

Napa County

Yountville Town Council Chambers
6550 Yount Street, Yountville, CA 94599
www.countyofnapa.org/UVWMA



Agenda - Final

Monday, April 20, 2026

1:30 PM

**Yountville Town Council Chambers
6550 Yount St. Yountville**

Upper Valley Waste Management Agency (UVWMA)

CITY OF CALISTOGA

Scott Cooper, Vice Chair * Irais Lopez-Ortega, Alternate

CITY OF ST. HELENA

Aaron Barak, Member * Kate Spadarotto, Alternate

NAPA COUNTY

Anne Cottrell, Chair * Amber Manfree, Member * Joelle Gallagher, Alternate

TOWN OF YOUNTVILLE

Hillery Bolt Trippe, Member * Margie Mohler, Alternate

Steve Lederer, Manager * Alice Ramirez, Secretary/Clerk

Gary Bell, Legal Counsel * Tracy Schulze, Auditor * Bob Minahen, Treasurer

BOARD OF DIRECTORS REGULAR MEETING

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. PUBLIC COMMENT

In this time period, anyone who wishes to speak to the Authority Board of Directors regarding any subject over which the Board has jurisdiction, that is not on the agenda, or to request consideration to place an item on a future Board agenda, may do so at this time. Individuals will be limited to a three minute presentation. The Board of Directors will take no action as a result of any item presented at this time.

5. CONSENT ITEMS

- A. APPROVAL OF MINUTES [26-908](#)
REQUESTED ACTION: Approval of the February 9, 2026 regular meeting minutes.

Attachments: [Minutes \(February 9, 2026\)](#)

- B. APPROVE AMENDMENT TO AGREEMENT FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION. DISCUSSION AND REQUESTED ACTION: Staff recommends Chair sign Amendment No. 1 to Agreement No. 250242D with Clean Earth Environmental Solutions, Inc., amending the rates of compensation, increasing the maximum amount allowed under the agreement per fiscal year to \$74,000 and updating insurance requirements. [26-990](#)

Attachments: [UVWMA Agreement No 250242D Amendment No 1.docx](#)

6. ADMINISTRATIVE ITEMS

- A. CALIFORNIA INTEGRATED WASTE MANAGEMENT ACT [26-909](#)
DISCUSSION AND POSSIBLE ACTION: Staff to provide an update on the status of activities relevant to the Act.

Attachments: [Rutherford HW Event 2026 - Residential](#)
[Rutherford HW Event 2026 – Business](#)
[Food Recovery Budget Request – Coalition](#)

B. PUBLIC HEARING: ADOPTION OF FISCAL YEAR 2026-2027 BUDGET [26-374](#)

REQUESTED ACTION: Staff requests Approval and Adoption of Agency Resolution No. 26-01, adopting the proposed final budget for Fiscal Year 2026-2027.

Attachments: [Budget](#)
[History](#)
[Detail](#)
[Resolution 26-1](#)

C. CONSIDERATION OF REQUEST FOR GRANT FUNDS FOR THE TOWN OF YOUNTVILLE. [26-857](#)

REQUESTED ACTION: Approval to award grant funding in the amount of \$25,000 for the Town of Yountville for the purchase of enclosures and signs for recycling, compost and trash carts and water refill stations.

Attachments: [Submittal](#)

7. FRANCHISES' BUSINESS ITEMS

A. FRANCHISES' STATUS [26-910](#)

DISCUSSION AND POSSIBLE ACTION: Agency Manager and Company to provide an update concerning the implementation of franchises' activities.

Attachments: [JPA Annual Report YE 2025](#)

B. WASTE MANAGEMENT COMPANIES' ISSUES [26-911](#)

DISCUSSION ITEM: This is an opportunity for the franchisee(s) to discuss/raise any items of concern they may wish the UVA to consider.

8. OTHER BUSINESS ITEMS

A. MANAGER'S REPORT [26-912](#)

DISCUSSION AND POSSIBLE ACTION: Manager to provide an update on the status of current activities.

Attachments: [Financials](#)
[Public Comment -Ellsworth, Geoff email 02.09.26](#)
[Public Comment -Kuhler, Kellie & Steve email 04.13.26](#)

- B. REPORTS FROM JURISDICTIONS** [26-913](#)
DISCUSSION ITEM: Reports by the member jurisdictions of current information relevant to the Agency:

Napa County

Calistoga

St. Helena

Yountville

- C. FUTURE AGENDA ITEMS** [26-914](#)
DISCUSSION ITEM: Discussion of any items Board members wish to have addressed at a future meeting date.

10. ADJOURNMENT

The next regularly scheduled meeting of the Agency Board of Directors will be held on Monday, June 22, 2026 at 1:30 p.m. in the Yountville Town Council Meeting Chambers or as noted.



Napa County

Board Agenda Letter

1195 THIRD STREET
SUITE 310
NAPA, CA 94559
www.napacounty.gov
Main: (707) 253-4580

Upper Valley Waste Management Agency (UVWMA)
File ID #: 26-908

Agenda Date: 4/20/2026

TO: Board of Directors
FROM: Steven Lederer - Manager, UVWMA
REPORT BY: Alice Ramirez - Secretary/Clerk, UVWMA
SUBJECT: Approval of Minutes

RECOMMENDATION

APPROVAL OF MINUTES

REQUESTED ACTION: Approval of the February 9, 2026 regular meeting minutes.

BACKGROUND

Staff recommends approval of the February 9, 2026 regular meeting minutes. *Minutes attached.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.



**MINUTES OF THE FEBRUARY 09, 2026
REGULAR MEETING OF THE BOARD OF DIRECTORS**

1. CALL TO ORDER

The Upper Valley Waste Management Agency met in regular session on Monday, February 09, 2026, at 1:30p.m. at Yountville Town Council Chambers. Chair Cottrell called the meeting to order at 1:31p.m.

2. ROLL CALL

The following members were present: Vice Chair Cooper, Member Bolt Trippe, Member Manfree, Chair Cottrell, Member Barak.

3. PLEDGE OF ALLEGIANCE

Chair Cottrell asked Anastasia Pryor with CCNB to lead us in the Pledge of Allegiance.

4. PUBLIC COMMENT

During this period, anyone who wishes to speak to the Authority Board of Directors regarding any subject over which the Board has jurisdiction that is not on the agenda or to request consideration to place an item on a future Board agenda, may do so at this time. Individuals will be limited to a three-minute presentation. THE BOARD OF DIRECTORS WILL TAKE NO ACTION AS A RESULT OF ANY ITEM PRESENTED AT THIS TIME.

Agency Manager, Steve Lederer, stated for the record, there was an emailed public comment received today and shared with the Board prior to the meeting. (Item received after agenda print and was attached as Public Comment in the 2/9/26 website after the meeting).

5. CONSENT ITEMS

A. APPROVAL OF MINUTES

REQUESTED ACTION: Approval of the December 15, 2025, regular meeting minutes.

B. APPROVE AN ADDITIONAL ONE-YEAR TERM TO AMENDMENT NO. 3 OF AGREEMENT NO. 200367D WITH CH&W.

DISCUSSION AND REQUESTED ACTION: Approve an additional one-year term to Amendment No. 3 of Agreement No. 200367D with Colantuono, Highsmith & Whatley (CH&W), extending the agreement through April 20, 2027.

C. AGREEMENT FOR WASTE CHARACTERIZATION STUDIES

REQUESTED ACTION: Approve and authorize the Agency Manager to sign an agreement with SCS Engineers for a maximum of \$90,000 to complete waste characterization studies. If negotiations with SCS Engineers fail to result in contract, approve and authorize the Agency Manager to sign agreement with next ranked proposer.

Approved Consent Items 5A, 5B & 5C: AB, AM, HBT, SC and AC.

6. ADMINISTRATIVE ITEMS

A. ELECTIONS

REQUESTED ACTION: Accept nominations and elect officers for Chair and Vice-Chair. These selections will commence immediately and continue through the new calendar year.

Member Cooper nominated Chair Cottrell to remain as Chair, Member Barak second the motion. Member Barak nominated Vice-Chair Cooper to remain as Vice Chair, Member Manfree second the motion. Both accepted their respective nominations.

Approved Administrative item 6A: Motion carried unanimously as noted above.

B. CALIFORNIA INTEGRATED WASTE MANAGEMENT ACT

DISCUSSION AND POSSIBLE ACTION: Staff to provide an update on the status of activities relevant to the Act.

Agency's staff, Amanda Griffis, summarized staff report and highlighted some sections of the agenda report.

C. ANNUAL REPORT PRESENTED BY CONSERVATION CORPS NORTH BAY (CCNB)

DISCUSSION AND POSSIBLE ACTION: A representative from CCNB, Kyle LaRue, Director of Zero Waste and Compliance, will be present to provide an annual report of their organization's activities and answer any questions.

Anastasia Pryor with CCNB presented in place of Kyle LaRue, as originally planned.

7. FRANCHISES' BUSINESS ITEMS

A. Franchises' Status

DISCUSSION AND POSSIBLE ACTION: Manager and Company provided an update concerning the implementation of franchises' activities.

Agency Manager, Steve Lederer summarized this item. Carlos Ramirez with the Company reported on the current recycling numbers.

B. Waste Management Companies' Issues

DISCUSSION ITEM: This is an opportunity for the franchisee(s) to discuss/raise any items of concern they may wish the UVA to consider.

Nothing to report.

8. OTHER BUSINESS ITEMS

A. Manager's Report

DISCUSSION AND POSSIBLE ACTION: Manager to provide a written update on the status of current activities.

Agency Manager, Steve Lederer summarized this item including previous meeting mention of the Brown act changes, effective January 1st. Copy was provided to all as required by law and link is also available in agenda item.

B. Reports from Jurisdictions

DISCUSSION ITEM: Reports by the member jurisdictions of current information relevant to the Agency:

- i. Napa County: Celebrated World Wetlands Day on February 2nd and Member Manfree, presented Flood Control District with a proclamation for fabulous work restoring Napa's water ways. Event was held at the Napa Sanitation District.
- ii. Calistoga: Nothing to report.
- iii. St. Helena: Nothing to report.
- iii. Yountville: Nothing to report.

C. Future Agenda Items

DISCUSSION ITEM: Discussion of any items Board members wish to have addressed at a future meeting date.

Company to present safety measures presentation in April.

9. ADJOURNMENT

The meeting was adjourned at 2:03p.m. The next regularly scheduled meeting of the Agency Board of Directors will be held on Monday, April 20, 2026, at 1:30p.m. in the Yountville Town Council Meeting Chambers or as noted.

AYES: _____
NOES: _____
ABSTAIN (A): _____
ABSENT(B): _____
EXCUSED(X): _____

By: _____
ATTEST: Steven Lederer, Manager of the Upper Valley Waste Management Agency

KEY

Vote: AC = Anne Cottrell; AB = Aaron Barak; AM = Amber Manfree; HT = Hillery Trippe;
IL-O = Irais Lopez-Ortega; JG = Joelle Gallagher; MM = Margie Mohler; PR = Pam Reeves; SC = Scott Cooper.

The maker of the motion and second are reflected respectively in the order of the recorded vote.

Notations next to vote: Y = Ayes; N = No; A = Abstain; B = Absent; X = Excused



Napa County

Board Agenda Letter

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Upper Valley Waste Management Agency (UVWMA)
File ID #: 26-990

Agenda Date: 4/20/2026

TO: Board of Directors
FROM: Amanda Griffis, Supervising Environmental Resource Specialist
REPORT BY: Amanda Griffis, Supervising Environmental Resource Specialist
SUBJECT: Amendment to Agreement for Household Hazardous Waste Collection

RECOMMENDATION

APPROVE AMENDMENT TO AGREEMENT FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION. DISCUSSION AND REQUESTED ACTION: Staff recommends Chair sign Amendment No. 1 to Agreement No. 250242D with Clean Earth Environmental Solutions, Inc., amending the rates of compensation, increasing the maximum amount allowed under the agreement per fiscal year to \$74,000 and updating insurance requirements.

BACKGROUND

Upper Valley Waste Management Agency (UVWMA) has an agreement with Clean Earth Environmental Solutions, Inc. (Clean Earth) to provide mobilization for temporary hazardous waste collections events as well as disposal of collected materials. The agreement is currently in the second year of a three-year agreement. Clean Earth provides excellent service to UVMWA and members of the public that utilize the semiannual events.

The current agreement with Clean Earth allows for rate increases not more frequently than once per calendar year. In June 2025 Clean Earth staff have notified UVWMA of a proposed 6.7% rate increase to accommodate increases in transportation, disposal, and labor costs. After negotiations with Clean Earth, the final rate increase ranges from 3% to 5% depending on the item or task. Due to delays working with Clean Earth's legal team, the amendment was not finalized before the fall 2025 event. There are no contract needs with Clean Earth between the fall and spring hazardous waste events, due to that the agreement is being brought forward for consideration for new rates to be effective for the upcoming hazardous waste event.

Due to the increase in costs, the maximum allowed under the agreement per fiscal year is being increased from \$70,000 to \$74,000.

The insurance requirements are being updated with this amendment. The City of Calistoga requires pollution legal liability insurance. UVWMA does not carry this type of insurance and an estimate to carry that insurance

was approximately \$10,000 annually. Due to this high cost, UVWMA negotiated with Clean Earth for Clean Earth to provide the coverage required by the City of Calistoga and provide a certificate or additionally insured to the City of Calistoga.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Operating Revenues
Is it Mandatory or Discretionary?	Mandatory
Is the general fund affected?	No
Future fiscal impact:	Rates will be effective into FY 26/27
Consequences if not approved:	UVWMA will not have a contractor for mobilization and removal of household hazardous waste at collection events.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

**AMENDMENT NO. 1
TO
UPPER VALLEY WASTE MANAGEMENT AGENCY AGREEMENT NO. 250242D
PROFESSIONAL SERVICES AGREEMENT**

This Amendment No. 1 (“Amendment”) is entered into by and between the Upper Valley Waste Management Agency, a joint powers agency created in accordance with the Joint Powers Act (Government Code section 6500 et seq.) (“Agency”) and Clean Earth Environmental Solutions, Inc., a Delaware corporation by and through any of its subsidiaries or affiliates located at 933 First Avenue, Suite 200, King of Prussia, PA 19406 (“Contractor”).

This Amendment modifies the original Professional Services Agreement between the Agency and Contractor dated June 24, 2024 (“Agreement”).

RECITALS

WHEREAS, under the Agreement, Contractor provides the service of conducting temporary Household Hazardous Waste Collection Events for the collection, transportation, and disposal of household hazardous waste generated by the public and Very Small Quantity Generators;

WHEREAS, Agency and Contractor desire to amend the rates of compensation for the abovementioned services; and

WHEREAS, Agency and Contractor desire to extend the Maximum Amount of the Agreement to allow for increased services.

NOW THEREFORE, Agency and Contractor agree to amend the Agreement as follows:

- I. Section 3(a) (“Rates”) of the Agreement is amended to read as follows, with deletions denoted by ~~struck through~~ text and additions denoted by underlined text:

In consideration of CONTRACTOR's fulfillment of its obligations hereunder and its performance of the Services, AGENCY shall pay CONTRACTOR at the revised rates set forth in Exhibit ~~“B”~~ “B-1”, which is attached hereto and incorporated herein by this reference.

- II. Section 3(b) (“Maximum Amount”) of the Agreement is amended to read as follows, with deletions denoted by ~~struck through~~ text and additions denoted by underlined text:

Maximum Amount. The maximum payments under this Agreement to CONTRACTOR shall not exceed ~~seventy thousand dollars (\$70,000)~~ seventy four thousand dollars (\$74,000) for professional services (the “Maximum Amount”) per fiscal year. CONTRACTOR shall be compensated based upon services actually rendered, and the Maximum Amount shall not be construed as a guaranteed sum. CONTRACTOR agrees to accept such compensation in full satisfaction for services actually rendered.

III. Section 7(b)(4) is hereby added to the Agreement to read as follows:

(4) Pollution Legal Liability Insurance. Pollution legal liability insurance of not less than TWO MILLION DOLLARS (\$2,000,000) per occurrence and FOUR MILLION DOLLARS (\$4,000,000) aggregate, covering liability or claims for any personal injury, including death, to any person and/or damage to the property of any person arising from the acts or omissions of CONTRACTOR or any officer, agent, or employee of CONTRACTOR under this Agreement.

IV. Section 7(c)(2) (“Waiver of Subrogation and CGL”) of the Agreement is amended to read as follows, with deletions denoted by ~~struck through~~ text and additions denoted by underlined text:

(2) Waiver of Subrogation and CGL. Additional Insured is provided pursuant to Additional Insured Endorsement Form #1. For each policy required herein, other than Professional Errors and Omission and Workers’ Compensation, CONTRACTOR shall also file with the evidence of coverage an endorsement from the insurance provider naming AGENCY, its officers, employees, agents and volunteers, as well as third-parties designated in writing by AGENCY, as additional insureds and waiving subrogation. For the Workers Compensation and Professional Errors and Omissions insurance coverage, CONTRACTOR shall file an endorsement waiving subrogation with the evidence of coverage.

V. Integration. This Amendment amends, as set forth herein, the Agreement and except as specifically amended hereby the Agreement shall remain in full force and effect. To the extent there is any conflict between this Amendment and the Agreement, the terms and provisions of this Amendment shall control. This Amendment and the Agreement, including any exhibits attached to the Agreement, integrate all the terms and conditions of the Parties’ agreement and supersede all negotiations with respect hereto.

VI. Severability. If any provision of this Amendment is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in anyway.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

The Parties hereby enter into this Amendment upon the date of the last signature below.

“Agency”

Upper Valley Waste Management Agency

“Contractor”

Clean Earth Environmental Solutions, Inc.

By: _____

Anne Cottrell, Chair

By:  _____

Paul Bettencourt, HHW
Product Line Director

Date: _____

Date: 4/14/2026

By: _____

Name, Title

Date: _____

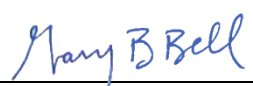
Attest:

By: _____

Steve Lederer, Agency Manager

Date: _____

Approved as to form:

By:  _____

Gary B. Bell, Agency Counsel

Date: 4/13/26

EXHIBIT B-1

Disposal Cost Worksheet PHHWCF & Temporary Events

Process Code	Description	UOM	Current Rate	New Rate (5% Increase)
3PEQCOSTPL	Equipment, Supplies, and Material	M	\$4,750.00	\$4,987.50
3PEQCOSTPL	ROLLOFF RENTAL 3rd party	D	\$16.80	\$17.64
3PLABOR	<100 car Event Mobilization LABOR, 3RD PARTY	E	\$7,891.00	\$8,285.55
3PLBMOB	301-400 Car Event Each not Hour Third Party Labor - Mobilization and DeMobilizat	H	\$13,535.00	\$14,211.75
3PLBMOB	401-500 Car Event Third Party Labor - Mobilization and DeMobilization	R	\$21,426.00	\$22,497.30
3PLBMOBDEA	100-200 Car Each not HourEvent Third Party Labor - Mobilization/Demobilization	H	\$10,826.00	\$11,367.30
3PLBMOBDEA	201-300 Car Event Third Party Labor - Mobilization/Demobilization for DEA	R	\$12,631.00	\$13,262.55
3PTRCOSTPL	Rolloff Transportation Third Party Transportation, Cost Plus	S	\$1.20	\$1.26
ADMCAN	Cancellation Fee	E	\$155.00	\$162.75
ADMCREDIT	Bond/Letter of Credit	E	\$125.00	\$131.25
ADMMAN	Manifest Discrepancy/Paperwork Error	E	\$77.00	\$80.85
ADMOVPK	Overpack Handling Fee	E	\$52.00	\$54.60
ADMPRORU	24 hour rush profile fee	E	\$155.00	\$162.75
ADMREJECT	Rejection Fee	E	\$77.00	\$80.85
ADMREPK	Repacking/Overpacking fee	E	\$155.00	\$162.75
ADMSTOR	Off Spec/ Discrepant - Storage Fee	D	\$26.00	\$27.30
AF01	Bulked flam liquid	DM05	\$70.00	\$73.50
AF01	Bulked flam liquid	DM30	\$148.00	\$155.40
AF01	Bulked flam liquid	DM55	\$155.00	\$162.75
AF06	Flam solid/liquid	BX	\$525.00	\$551.25
AF06	Flam solid/liquid	DM05	\$70.00	\$73.50
AF06	Flam solid/liquid	DM30	\$175.00	\$183.75
AF06	Flam solid/liquid	DM55	\$175.00	\$183.75
AF06-1	Oil-based paint related	BX	\$525.00	\$551.25
AF06-1	Oil-based paint related	DM05	\$70.00	\$73.50
AF06-1	Oil-based paint related	DM30	\$175.00	\$183.75
AF06-1	Oil-based paint related	DM55	\$175.00	\$183.75
AF08	Corrosive aerosols	BX	\$575.00	\$603.75
AF08	Corrosive aerosols	DM05	\$67.00	\$70.35
AF08	Corrosive aerosols	DM30	\$193.00	\$202.65
AF08	Corrosive aerosols	DM55	\$195.00	\$204.75
INC13	Flam solid/liquid	MN05	\$61.50	\$64.58
INC13	Flam solid/liquid	MN30	\$215.25	\$226.01
INC13	Flam solid/liquid	MN55	\$307.50	\$322.88
INC13	Flam solid/liquid	MNBX	\$645.75	\$678.04

Process Code	Description	UOM	Current Rate	New Rate (5% Increase)
INC13	Flam solid/liquid	P	\$1.23	\$1.29
INC14-A	Organic Acid	DM05	\$97.00	\$101.85
INC14-A	Organic Acid	DM30	\$193.00	\$202.65
INC14-A	Organic Acid	DM55	\$275.00	\$288.75
INC14-B	Organic base	DM05	\$97.00	\$101.85
INC14-B	Organic base	DM30	\$193.00	\$202.65
INC14-B	Organic base	DM55	\$275.00	\$288.75
INC14-F	Poison (non-aerosols)	BX	\$775.00	\$813.75
INC14-F	Poison (non-aerosols)	DM05	\$111.00	\$116.55
INC14-F	Poison (non-aerosols)	DM30	\$180.00	\$189.00
INC14-F	Poison (non-aerosols)	DM55	\$295.00	\$309.75
INC15-1	Labpack, (Lithium, Sodium, Potassium Metal), 1lb. Under oil or in vacccum seale	MN05	\$1,303.75	\$1,368.94
INC15-1	Labpack, (Lithium, Sodium, Potassium Metal), 1lb. Under oil or in vacccum seale	MN15	\$2,607.50	\$2,737.88
INC15-1	Labpack, (Lithium, Sodium, Potassium Metal), 1lb. Under oil or in vacccum seale	MN30	\$5,736.50	\$6,023.33
INC15-1	Labpack, (Lithium, Sodium, Potassium Metal), 1lb. Under oil or in vacccum seale	MN55	\$13,037.50	\$13,689.38
INC15-1	Labpack, (Lithium, Sodium, Potassium Metal), 1lb. Under oil or in vacccum seale	P	\$52.15	\$54.76
INC15-D1	Lab Pack, Incineration, Flammable Solids (DOT 4.1)	DM15	\$450.00	\$472.50
INC15-D1	Lab Pack, Incineration, Flammable Solids (DOT 4.1)	DM30	\$975.00	\$1,023.75
INC15-D1	Lab Pack, Incineration, Flammable Solids (DOT 4.1)	DM55	\$1,300.00	\$1,365.00
INC15-D1	Labpacks-Reactive	DM05	\$250.00	\$262.50
INC15-D2	Flam solid (fusee/flares)	DM05	\$250.00	\$262.50
INC15-W	Water reactives	DM05	\$250.00	\$262.50
INC29	Pharmaceuticals- solid	DM05	\$111.00	\$116.55
INC29	Pharmaceuticals- solid	DM30	\$237.00	\$248.85
INC29	Pharmaceuticals- solid	DM55	\$395.00	\$414.75
LBCEMST	Chemist	H	\$60.00	\$63.00
LBCLRKST	Administrative/ Office Personnel Clerk, Straight Time	H	\$45.00	\$47.25
LBENVST	Lead Technician	H	\$50.00	\$52.50
LBENVST	Technician	H	\$45.00	\$47.25
LBSUPVST	Supervisor / Project Manager	H	\$65.00	\$68.25
LF11	Asbestos	BX	\$395.00	\$414.75
LF11	Asbestos	DM05	\$67.00	\$70.35
LF11	Asbestos	DM30	\$126.00	\$132.30
LF11	Asbestos	DM55	\$200.00	\$210.00
REC05	Auto batteries	P	\$0.35	\$0.37
REC05	Auto Batteries Lead acid batteries	MN05	\$10.00	\$10.50
REC05	Auto Batteries Lead acid batteries	MN15	\$10.00	\$10.50
REC05	Auto Batteries Lead acid batteries	MN30	\$10.00	\$10.50
REC05	Auto Batteries Lead acid batteries	MN55	\$10.00	\$10.50
REC06	Compact fluorescent lamps	E	\$1.95	\$2.05

Process Code	Description	UOM	Current Rate	New Rate (5% Increase)
REC06	Fluorescent lamps (tube)	F	\$0.18	\$0.19
REC07	Motor oil (recyclable)	DM05	\$67.00	\$70.35
REC07	Motor oil (recyclable)	DM30	\$126.00	\$132.30
REC07	Motor oil (recyclable)	DM55	\$150.00	\$157.50
REC08	Antifreeze	DM05	\$67.00	\$70.35
REC08	Antifreeze	DM30	\$126.00	\$132.30
REC08	Antifreeze	DM55	\$150.00	\$157.50
REC09	Household batteries Lithium	P	\$4.74	\$4.98
REC09	Lithium batteries, Non-regulated, Universal Waste	MN05	\$50.00	\$52.50
REC09	Lithium batteries, Non-regulated, Universal Waste	MN15	\$50.00	\$52.50
REC09	Lithium batteries, Non-regulated, Universal Waste	MN30	\$50.00	\$52.50
REC09	Lithium batteries, Non-regulated, Universal Waste	MN55	\$50.00	\$52.50
REC09-1	Household batteries Lithium -Ion	P	\$0.65	\$0.68
REC09-1	Lithium-Ion Batteries, Universal Waste, for Recycle	MN05	\$50.00	\$52.50
REC09-1	Lithium-Ion Batteries, Universal Waste, for Recycle	MN15	\$50.00	\$52.50
REC09-1	Lithium-Ion Batteries, Universal Waste, for Recycle	MN30	\$50.00	\$52.50
REC09-1	Lithium-Ion Batteries, Universal Waste, for Recycle	MN55	\$50.00	\$52.50
REC10	Oil filters	DM05	\$60.00	\$63.00
REC10	Oil filters	DM30	\$125.00	\$131.25
REC10	Oil filters	DM55	\$140.00	\$147.00
REC10	Oil filters, Non-regulated	DM15	\$70.00	\$73.50
REC11	Household batteries Ni-Cad	P	\$0.77	\$0.81
REC11	Nicad batteries, Non-regulated, Universal Waste	MN05	\$25.00	\$26.25
REC11	Nicad batteries, Non-regulated, Universal Waste	MN15	\$25.00	\$26.25
REC11	Nicad batteries, Non-regulated, Universal Waste	MN30	\$25.00	\$26.25
REC11	Nicad batteries, Non-regulated, Universal Waste	MN55	\$50.00	\$52.50
REC13	Mercury Debris/Thermometers	DM05	\$375.00	\$393.75
REC14	Mercury (metallic)	DM05	\$553.00	\$580.65
REC15	Crushed Fluorescent lamps	DM05	\$150.00	\$157.50
REC15	Crushed Fluorescent lamps	DM30	\$350.00	\$367.50
REC15	Crushed Fluorescent lamps	DM55	\$545.00	\$572.25
REC24	Household batteries (alkaline)	P	\$1.10	\$1.16
REC24	Zinc alkaline batteries, for recycle	MN05	\$25.00	\$26.25
REC24	Zinc alkaline batteries, for recycle	MN15	\$25.00	\$26.25
REC24	Zinc alkaline batteries, for recycle	MN30	\$25.00	\$26.25
REC24	Zinc alkaline batteries, for recycle	MN55	\$25.00	\$26.25
REC27	Empty, contaminated drums	DM05	\$21.00	\$22.05
REC27	Empty, contaminated drums	DM30	\$32.00	\$33.60
REC27	Empty, contaminated drums	DM55	\$66.00	\$69.30
REC38	Freon refrigerant	E	\$20.00	\$21.00
REC42	UV lamps	E	\$2.24	\$2.35
REC60	Fire extinguishers	E	\$25.00	\$26.25
REC61	Propane Tanks (BBQ Type 5 gal)	E	\$20.00	\$21.00
REC61-1	Propane cylinders (Coleman Stove)	E	\$10.00	\$10.50

Process Code	Description	UOM	Current Rate	New Rate (5% Increase)
REC63	Cylinders, (Carbon Dioxide Cartridges) for recycle	E	\$45.00	\$47.25
REC95	Cylinders, non flammable for recycle	E	\$65.00	\$68.25
STAB06-6	Ammonium Nitrate	DM05	\$84.00	\$88.20
STAB06-6	Ammonium Nitrate	DM30	\$180.00	\$189.00
STAB06-6	Ammonium Nitrate	DM55	\$375.00	\$393.75
TRADMDEM	Transportation, Demurrage	H	\$127.00	\$133.35
WAT16-A	Inorganic acid	DM05	\$97.00	\$101.85
WAT16-A	Inorganic acid	DM30	\$193.00	\$202.65
WAT16-A	Inorganic acid	DM55	\$275.00	\$288.75
WAT16-B	Inorganic Base	DM05	\$97.00	\$101.85
WAT16-B	Inorganic Base	DM30	\$193.00	\$202.65
WAT16-B	Inorganic Base	DM55	\$275.00	\$288.75

FEE SCHEDULE FOR VSQG SERVICE

Waste Category	Waste Mgmt. Method	Handling Method	Cost Per Gallon	Cost Per Pound
Flammable Solids	INC15-D1	LO	NA	\$9.45
Flammable Liquids	AF07	LO	NA	\$2.63
Bulked Flammable Liquids	AF01	BU	NA	\$1.05
Paint Related Materials	AF06-1	LO	NA	\$4.20
Poison Liquids	INC14-F	LO	NA	\$4.73
Poison Solids	INC14-F	LO	NA	\$4.73
Labpacks, Non-Reactive	INC14-A	LO	NA	\$4.73
Labpacks, Reactive	INC15-W	LO	NA	\$10.50
Inorganic Acid	WAT16-A	LO	NA	\$2.63
Organic Acid	INC14-A	LO	NA	\$4.73
Inorganic Base	WAT16-B	LO	NA	\$2.63
Organic Base	INC14-B	LO	NA	\$4.73
Oxidizers	STAB06-6	LO	NA	\$4.20
Organic Peroxide	INC15-E2	LO	NA	\$10.50
PCB's	PCB01	LO	NA	\$6.83
Aerosols	AF08	LO	NA	\$2.63
Compressed Gases	REC61	BU	NA	CBC
Fluorescent Lamps	REC06	BU	NA	\$2.10
Alkaline Batteries	REC24	BU	NA	\$2.10
Mercury	REC13	BU	NA	\$52.50
NiCad Batteries	REC11	BU	NA	\$2.10
Class 9/Non-RCRA	INC09	BU	NA	\$2.10
Fertilizers	INC14-F	LO	NA	\$4.73
Asbestos	LF11	BU	NA	\$1.58
Contaminated Soil	INC13	BU	NA	\$2.10
Sharps	INC29-X	BU	NA	\$8.40
Oil	REC07	BU	NA	\$1.31
Oil Filters	REC10	BU	NA	\$1.31
Antifreeze	REC08	BU	NA	\$1.58
Processing Fee	INC15-D1	LO	NA	\$26.25

Waste Management Method: INC= Incineration, RC= Recycle, LF Landfill, FB = Fuels Blend, NE = Neutralization
Handling Method: LO= Loosepack LP = Labpack, BU= Bulked, EA = Each

Assumptions

Standard Pricing Conditions

- Pricing is based on the information provided and will be confirmed following receipt of a complete waste profile. All pricing is pending profile approval and/or waste sample analysis
- Pricing is based on the scope of work provided.
- A minimum charge of \$350 applies to all invoices
- Transportation, labor, and equipment is port to port, and requires a four-hour minimum unless otherwise specified.
- Unless otherwise specified, transportation rates include one hour of loading at the customer facility. Demurrage rates will apply after one hour and will be billed in 15-minute increments.
- All invoices are subject to applicable Federal, State and local taxes & fees.
- E-Manifest Fee of \$25 will be applied.

Non-Specified Container Conversions		Conversion Table Notes
Container Size	Conversion	
1 – 5 gallons	35%	
6 – 15 gallons	50%	
16 – 30 gallons	75%	
31 – 55 gallons	1x	
85 gallons	1.5x	
Cubic Yard Boxes/Pallets	4x	
250/275 – gallon totes	5x	
330/350 – gallon totes	6x	

Per Pound Standard Minimums			
	Common Containers ¹	Lab Pack Containers ²	Light Weight Containers ³
Container (Gal)	←Minimums→		
5 or less	50 lbs	20 lbs	30 lbs
6 – 15	125 lbs	50 lbs	75 lbs
16 – 30	175 lbs	85 lbs	100 lbs
31 – 55	250 lbs	150 lbs	150 lbs
56 – 85	400 lbs	275 lbs	275 lbs
Cubic box/Pallet	525 lbs	500 lbs	500 lbs
Tote (<300 gal)	1950 lbs	--	--

1. Exclude Lab Pack and Light Weight items
2. Includes: LF06, STAB06-6, series of codes for INC14, INC15 & WAT16
3. Includes: AP17, INC01, INC02, INC16
4. All other container sizes are case by case (CBC)

Non-Standard Minimums	
Container Min.	Process Code
\$10	REC05
\$15	REC06
\$25	REC11, REC11-1, REC12, REC16, REC19, REC24, REC42, REC44, REC50, REC55, REC51-3
\$50	REC09, REC09-1
\$100	REC09-2, REC09-2H

Please note: The greater of the disposal minimum or \$40 per container will be charged unless quoted otherwise.

Ancillary Charges	Item Code	UOM	Price
Profiling Fees			
<24 Hour URGENT Profile Fee	ADMPRORU	Each	\$171.00
Off Spec & Discrepancy Fees			
Rejection Fee	ADMREJECT	Each	\$85.00
Manifest Discrepancy/Paperwork Error	ADMMAN	Each	\$85.00
Off Spec/Discrepant – Storage Fee	ADMSTOR	Day	\$29.00
Transportation, Labor, and Other Fees			
g-Manifest Administration Fee (per manifest)	ADMANFEE	Each	\$25.00
Pallet Re-packing Fee	ADMREPX	EACH	\$450.00
Minimum Invoice Amount	--	Per Invoice	\$350.00
Demurrage, after 1-hour loading	TRADMDEM	Hour	\$145.00
Scheduled Pickup Cancellation	ADMCAN	Each	\$171.00
Repacking/Overpacking Fee	ADMREPK	Each	\$171.00
Overpacking Handling Fee	ADMOVPK	Each	\$57.00



Napa County

Board Agenda Letter

1195 THIRD STREET
SUITE 310
NAPA, CA 94559
www.napacounty.gov
Main: (707) 253-4580

Upper Valley Waste Management Agency (UVWMA)
File ID #: 26-909

Agenda Date: 4/20/2026

TO: Board of Directors
FROM: Amanda Griffis - Supervising Environmental Resource Specialist
REPORT BY: Amanda Griffis - Supervising Environmental Resource Specialist
SUBJECT: California Integrated Waste Management Act

RECOMMENDATION

CALIFORNIA INTEGRATED WASTE MANAGEMENT ACT

DISCUSSION AND POSSIBLE ACTION: Staff to provide an update on the status of activities relevant to the Act.

BACKGROUND

WASTE REDUCTION, RECYCLING, HAZARDOUS WASTE PROGRAMS UPDATE

HAZARDOUS WASTE COLLECTIONS - Upper Valley Waste Management Agency (UVWMA) staff have scheduled the spring hazardous waste (HW) collection event for Friday April 24 1:00pm - 4:00pm (business) and Saturday April 25 8:00am - 1:00pm (residential), to take place at the Upper Valley Compost & Recycling Yard in Rutherford. In addition to HW, residents can drop off electronic waste, documents for shredding and pick up free compost.

UVWMA's HW collections contractor Clean Earth will mobilize for the temporary event, collect and dispose of HW dropped off by the public. UVWMA pays a flat fee for mobilization based on the number of cars that use the event. Businesses will schedule appointments and pay disposal costs for their materials, residents are not charged a fee and are not required to schedule appointments. UVWMA will pay for HW disposed of by residents.

Electronic waste will be collected by Upper Valley Disposal Service (UVDS) and document shredding will be provided by a third-party vendor during the hazardous waste event. The electronic waste collection and document shredding are one of the three times per year events provided by UVDS per the franchise agreement. The electronic waste collection and document shredding will be for residents only, not businesses. UVWMA will not pay separate fees for the electronic waste collection and document shredding.

The max per drop off for hazardous waste is due to state law, it is 15 gallons or 125 pounds per vehicle for both businesses and residents. The maximum drop off for document shredding will be five banker boxes. Residents

may pick up compost in their own vehicle or container, there is a maximum of one cubic yard per resident. UVWMA will pay for compost distributed to the public, counting towards the annual SB 1383 required organic product procurement target.

Flyers for the event are included as Attachment A - Rutherford HW Event 2026 - Residential and Attachment B - Rutherford HW Event 2026 - Business.

UVWMA completed the required Department of Toxic Substances Control electronic Verification Questionnaire (eVQ) report in March. The report included both EPA ID numbers UVWMA utilizes for the temporary HW collection events and the total tons collected at each event.

SHARPS AND MEDICATIONS DISPOSAL - SB 212 requires pharmaceutical companies to run statewide stewardship programs that provide safe and convenient disposal options for pharmaceutical and home-generated sharps waste at no cost to the consumer. Medication collections will be available in receptacles and via pre paid mail back options at no cost to consumers. Sharps will be collected via a secure mail back container at no cost to consumers. Secure sharps mail back containers are to be provided at the point of sale or with five days by stewardship programs and containers can also be requested online. More information on these programs can be found at napacounty.gov/hazwaste.

In addition to the above mentioned stewardship programs, Clean Earth accepts non-controlled medications and sharps at up-valley hazardous waste collection events. Clover Flat Landfill accepts sharps at no charge during regular business hours. A medication collection bin is located at the St. Helena, Calistoga and Yountville Police Department; non-controlled and controlled medications are accepted.

Since the implementation of SB 212, UVWMA has been ordering sharps mail back containers in bulk, at no charge, from one of the SB 212 program operators Drug Take Back Solutions. Drug Take Back Solutions will no longer be operating SB 212 sharps and medications take back programs as of July 2026. The remaining program operator, MED-Project, does not offer the option for jurisdictions to order sharps mail back containers in bulk as it is not required by the statute. UVWMA plans to promote the mail back options offered at no cost by MED-Project, rather than offering to provide the container directly to residents at household hazardous waste events or other community events.

BEVERAGE CONTAINER RECYCLING PROGRAM - UVWMA applies as a regional agency for payments that CalRecycle issues for beverage container recycling programs. Staff use the \$25,000 of funds for beverage container recycling and litter reduction activities. Examples include the purchase of recycling bins for public buildings, community parks, main streets, businesses, schools and public gathering areas, and expenditures related to the installation of water refill stations. UVWMA staff have completed expending the "FY 2023-24" funding cycle and submitted the required report to CalRecycle in March. UVWMA has begun expending the "FY 2024-25" funding cycle, funds can be expended thru January 5, 2027. UVWMA have received the payment for the "FY 2025-26" funding cycle, funds can be expended between early 2026 (after award) and January 5, 2028.

CALRECYCLE - UVWMA received notice from CalRecycle's Local Assistance and Market Development Branch that the Jurisdiction and Agency Compliance and Enforcement Branch (JACE) will soon reach out to UVWMA for a SB 1383 compliance evaluation. This will include an inspection of all SB 1383 required records from January 1, 2022 to date. UVWMA staff have continued preparing the required records, with the assistance of UVDS and member jurisdiction staff. UVWMA staff received the notice of a forthcoming records inspection

in December 2025 but have not yet received the official notice from JACE of a scheduled due date for the records inspection. Jurisdictions who have received compliance evaluation notices and statuses of those reviews can be found on the CalRecycle website:

<https://calrecycle.ca.gov/organics/slcp/enforcement/calrecycleenforcement/>

Staff have continued expenditures towards the CalRecycle SB 1383 local assistance grant. The grant cycle closes on November 1, 2026 and the final report is due on that same date.

In February, the UVWMA board approved an agreement for a maximum of \$90,000 with SCS Engineers for a waste characterization study. The funding for this agreement is from the CalRecycle SB 1383 local assistance grant. UVWMA applied for this grant as the lead. The grant awarded funding based on population, as such UVWMA applied as the lead with the entirety of the unincorporated area of Napa County participating as well. The awarded funding is to be expended throughout the UVWMA area and all Napa County unincorporated areas. UVWMA and Napa County staff have begun working with SCS Engineers to execute the scope of work in the agreement. The waste characterization, or the on the ground sorting and categorizing of waste, is tentatively scheduled to take place in July at Clover Flat Landfill and the Devlin Road Transfer Station. UVWMA staff will provide further updates at future board meetings.

SB 1383 IMPLEMENTATION - UVWMA and UVDS staff continue work together to reach out directly via phone, email and site visit to non-compliant accounts to provide education and assistance with meeting SB 1383 organics recycling requirements.

UVWMA continues outreach, education and assistance to ensure Tier One and Tier Two commercial edible food donors are compliant with SB 1383 requirements. UVWMA will continue to partner with Napa County and the City of Napa to meet with food recovery organizations and services to ensure information is up to date on what they can accept and they are aware of and meeting SB 1383 requirements.

In summer 2024, UVWMA partnered with the City of Napa and Napa County to release funding to expand the countywide capacity for edible food recovery. Two projects were awarded, \$50,000 to Feeding it Forward (FIF) to retrofit an electric van with refrigeration and \$40,000 to Community Action of Napa Valley (CANV) to purchase a vehicle to pick up smaller loads of excess edible food. Both the FIF and CANV grant agreements end in June 2026. CANV requested reimbursement and received payment for \$40,000 in October 2025. To date, FIF has requested reimbursement and received payment for \$42,388.62 of their awarded \$50,000.

In March, UVWMA signed on to a coalition letter to support a request to the State of California for ongoing funding for food recovery in the state budget. A copy of the letter is included as Attachment C - Food Recovery Budget Request - Coalition.

OUTREACH - UVWMA's multi family dwelling outreach consultant, Soluna Outreach Solutions, has continued with outreach and education to multi family dwelling managers and owners on SB 1383 requirements in English and Spanish.

BUSINESS ASSISTANCE PROGRAM - UVWMA and UVDS offer free assistance to any business requesting help in improving waste diversion, it is also available to any business working to become complaint with SB 1383 and is often offered in the initial direct outreach to businesses who are notified they are not compliant with SB 1383. Assistance includes: a walk through to assess needs, UVDS suggested service changes to allow for compliance with SB 1383, recycling and composting interior bins, staff trainings, interior and exterior signs, interior bins stickers and on going support. Businesses may request assistance by calling UVDS at 707-963-

7988 or emailing UVWMA at upvalleyrecycles@countyofnapa.org.

ZERO WASTE EVENT SUPPORT - UVWMA staff have created and made available a Request for Zero Waste Event Support application. The purpose of the form is to request from UVWMA a one-time reimbursement of up to \$250 for efforts relating to making events that are free and open to the public zero or low waste. Reimbursements for the following items will be considered: temporary recycling and/or compost service, temporary bins for waste sorting stations, clear bags for recycling or compostable bags for compost, compostable service ware and signs for bins. The application was included in the October 2022 agenda packet, requests can be made via email to upvalleyrecycles@countyofnapa.org.

HOME COMPOSTING WORKSHOPS - Workshop co-sponsors, UVWMA, Napa County, City of Napa, and Napa County Master Gardeners have scheduled countywide 2026 workshop dates. The up valley workshop is May 16, 2026 at the up valley campus. The up valley compost workshop will be a dual workshop again, where attendees choose to either learn about backyard composting or worm composting. New this year, to encourage commitment to using and continued use of worm compost bins, there will be a fee of \$10 for a worm composting kit, that workshop attendees will set up with Napa County Master Gardeners. The approximate per bin cost for the worm composting kit is \$35, the difference will be paid for by Napa County. Backyard compost bin costs remain the same at \$20, the average retail value of backyard compost bins is \$80 and the difference is paid for by the City of Napa.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

HOUSEHOLD HAZARDOUS AND ELECTRONIC WASTE COLLECTION EVENT

PAPER SHREDDING (5 BANKER BOX MAX) AVAILABLE DURING THIS EVENT!

PICK UP FREE COMPOST AT THIS EVENT! LIMIT ONE CUBIC YARD PER RESIDENT. BRING YOUR OWN CONTAINER.

WHEN SATURDAY, APRIL 25, 2026 8:00AM - 1:00PM

WHERE UPPER VALLEY COMPOST AND RECYCLING YARD
ENTER AT PESTONI FAMILY WINERY, OFF HWY 29

THE FOLLOWING MATERIALS ARE ACCEPTED AT THIS EVENT:

HAZARDOUS WASTE

- AEROSOLS
- ALL PURPOSE CLEANERS
- ANTIFREEZE
- AUTO BATTERIES
- AUTO FLUIDS
- COMMON BATTERIES (AA, AAA, C, D, BUTTON, LITHIUM)
- DISINFECTANTS
- FLUORESCENT LIGHT BULBS
- GASOLINE (W/CONTAINER)
- LATEX / OIL-BASED PAINT
- LIGHTER FLUID
- MERCURY CONTAINING ITEMS (THERMOMETERS, THERMOSTATS, ETC.)
- NEEDLES AND LANCETS (IN PUNCTURE RESISTANT CONTAINERS)
- PESTICIDES
- POOL CHEMICALS
- PROPANE TANKS (UP TO 5 GAL.)
- SOLVENTS
- UNWANTED MEDICATIONS (NO CONTROLLED SUBSTANCES)
- USED OIL/OIL FILTERS

ELECTRONIC WASTE

- CELLULAR & CORDLESS PHONES
- CENTRAL PROCESSING UNITS (CPUS)
- COMPUTER/T.V. MONITORS
- FAX MACHINES
- MISC. COMPUTER COMPONENTS
- PRINTERS AND SCANNERS
- STEREO EQUIPMENT
- VCRS AND DVD PLAYERS



OPEN TO RESIDENTS OF CALISTOGA, ST. HELENA, YOUNTVILLE AND UNINCORPORATED NORTHERN NAPA COUNTY. LIMIT PER VEHICLE: 15 GALLONS OR 125 LBS.

NO BUSINESS WASTE, EXPLOSIVES, AMMUNITION OR RADIOACTIVE MATERIALS

QUESTIONS? CALL UPPER VALLEY WASTE MANAGEMENT AGENCY 707-259-8330
OR EMAIL UPVALLEYRECYCLES@COUNTYOFNAPA.ORG

EVENTO DE RECOLECCIÓN DE DESECHOS PELIGROSOS DEL HOGARES Y DE ELECTRONICOS

LA TRITURACIÓN DE PAPEL (5 CAJAS BANCARIAS MÁXIMO)
ESTARÁN DISPONIBLES DURANTE ESTE EVENTO!

¡RECOGE COMPOST GRATIS EN ESTE EVENTO! LÍMITE DE UNA
YARDA CÚBICA POR RESIDENTE. TRAE SU PROPIO CONTENEDOR.

CUANDO SÁBADO, 25 DE ABRIL, 2026 8:00AM - 1:00PM

DÓNDE CENTRO DE RECICLAJE Y COMPOSTAJE DE UPPER VALLEY
ENTRA POR EL CAMINO 29 JUNTO A PESTONI FAMILY WINERY

LOS SIGUIENTES MATERIALES SERAN ACEPTADOS EN ESTE EVENTO

DESECHOS PELIGROSOS

- ACEITE Y FILTROS DE MOTOR
- AEROSOL
- AGUJAS Y LANCETAS MÉDICAS (EN RECIPIENTES RESISTENTE A PERFORACIÓN)
- ANTICONGELANTE
- ARTÍCULOS CONTENIENDO MERCURIO (TERMÓMETROS, TERMOSTATOS, ETC.)
- BATERIAS (PILAS) COMUNES (COMO LAS AA, AAA, C, D)
- BATERIAS DE AUTOS
- DESINFECTANTES
- FOCOS/BOMBILLAS FLUORESCENTES
- GASOLINA (CON BOTE)
- INSECTICIDAS
- LIMPIADORES
- LÍQUIDO DE ENCENDEDOR
- LÍQUIDOS PARA AUTOS
- MEDICAMENTOS (CON EXCEPCIÓN DE LAS SUSTANCIAS CONTROLADAS)
- PINTURAS Y TINTAS
- QUÍMICOS DE LA PISCINA
- SOLVENTES
- TANQUES DE PROPANO (HASTA 5 GALONES)

DESECHOS ELECTRONICOS

- COMPONENTES DE COMPUTADORA
- EQUIPO DE TOCADORES DE DVD, VHS Y ESTÉREOS
- IMPRESORES Y FAX
- MONITORES DE COMPUTADOR Y TELEVISIÓN
- REPRODUCTORES DE DVD
- TELÉFONOS CELULARES Y TELÉFONOS DE HOGAR SIN CABLE



ESTA ABIERTO PARA LOS RESIDENTES DE CALISTOGA, ST. HELENA, YOUNTVILLE Y LAS ÁREAS
NO INCORPORADO AL NORTE DEL CONDADO DE NAPA. MAXIMO POR VEHICULO: 15 GALONES
O 125 LIBRAS.

NO DESECHOS DE NEGOCIOS MUNICIÓNES, EXPLOSIVOS, O MATERIALES RADIOACTIVOS

¿PREGUNTAS? LLAME A LA AGENCIA UPPER VALLEY WASTE MANAGEMENT AL 707-253-4351
O CORREO ELECTRÓNICO UPVALLEYRECYCLES@COUNTYOFNAPA.ORG

HAZARDOUS WASTE DISPOSAL EVENT FOR WINERIES, GROWERS, BUSINESSES, MUNICIPALITIES, SCHOOLS OR AGENCIES

WHEN FRIDAY, APRIL 24, 2026
1:00PM - 4:00PM
APPOINTMENTS REQUIRED
CALL 707-259-8330 TO SCHEDULE*
*REQUESTS FOR APPOINTMENTS WILL BE ACCEPTED UNTIL 5PM
ON APRIL 22

WHERE UPPER VALLEY COMPOST
AND RECYCLING YARD
ENTER AT PESTONI FAMILY
WINERY, OFF HWY 29

**FOR BUSINESSES THAT GENERATE LESS THAN 27 GAL OR 220 LBS OF
HAZARDOUS WASTE PER MONTH**

BUSINESSES ARE CHARGED A FEE FOR THIS DISPOSAL SERVICE

**QUESTIONS? CALL UPPER VALLEY WASTE MANAGEMENT AGENCY
707-259-8330 OR EMAIL UPVALLEYRECYCLES@COUNTYOFNAPA.ORG**

EVENTO DE ELIMINACIÓN DE RESIDUOS PELIGROSOS PARA BODEGAS, CULTIVADORES, NEGOCIOS, MUNICIPIOS, ESCUELAS O AGENCIAS

CUANDO VIERNES, 24 DE ABRIL, 2026
1:00PM - 4:00PM
SOLO CON CITA
LLAME AL 707-253-4351*

*SE ACEPTARÁN SOLICITUDES DE CITAS HASTA LAS 5PM DEL 22 DE ABRIL

DÓNDE CENTRO DE RECICLAJE Y
COMPOSTAJE UPPER VALLEY
ENTRADA POR CAMINO 29 Y
PESTONI FAMILY WINERY

PARA NEGOCIOS QUE GENERAN MENOS DE 27 GALONES O 220 LIBRAS DE DESECHOS PELIGROSOS POR MES.

NEGOCIOS SERÁN COBRADOS POR ESTE SERVICIO.

**¿PREGUNTAS? LLAME A LA AGENCIA UPPER VALLEY WASTE MANAGEMENT
AL 707-253-4351**



March 12, 2026

The Honorable Jesse Gabriel
Chair, Assembly Budget Committee
Swing Space, Room 8230
Sacramento, CA 95814

The Honorable John Laird
Chair, Senate Budget Committee
Swing Space, Room 8720
Sacramento, CA 95814

The Honorable Steve Bennett
Chair, Assembly Subcommittee #4
Swing Space, Room 4710
Sacramento, CA 95814

The Honorable Eloise Gómez Reyes
Chair, Senate Subcommittee #2
Swing Space, Room 7210
Sacramento, CA 95814

RE: Ongoing Funding for Edible Food Recovery

Each year 2.5 billion still-fresh, unsold meals are landfilled in California while one in five Californians do not have enough to eat. At the same time, recent federal funding delays and budget cuts to the Supplemental Nutrition Assistance Program (SNAP) are straining California's food assistance system, reducing benefits for households and increasing demands on food assistance organizations across the state. Furthermore, rotting food and other organic waste in landfills emit significant amounts of methane, which is considered a "super greenhouse gas" because it is 80 times more potent than carbon dioxide in trapping heat in the atmosphere. The practice of throwing away food in landfills undercuts the state's goals of reducing the most harmful greenhouse gases (GHGs) and weakens efforts to improve food security for millions of Californians.

We write to respectfully request \$29 million in ongoing funding for the SB 1383 Local Assistance Grant Program and CalRecycle's Edible Food Recovery Grant Program to support jurisdictions and non-profit food recovery organizations. These funds are critically needed to cover operational and infrastructure costs, including transportation, cold storage equipment and staffing so that food recovery organizations can help achieve the goals of SB 1383: reducing methane emissions, improving air quality and reducing GHGs, and feeding people in our communities. In California, the estimated 2.5 billion edible meals disposed of each year equate to roughly 3 billion pounds of food. Based on typical food recovery costs of \$1.50–\$2.50 per pound, recovering this surplus alone would require an estimated \$4.5–\$7.5 billion annually for transportation, labor, storage, and coordination, highlighting the scale of investment needed to achieve our food recovery and climate goals.

Passed in 2016, SB 1383 requires edible food recovery to direct surplus edible food to food insecure communities rather than sending it to landfills. The goal is to recover 20 percent of edible food that would otherwise be disposed. Achieving this goal requires a steady investment because food recovery necessitates enormous work from both commercial edible food generators (hotels, restaurants, etc.) and food recovery organizations/services that provide food to people in our communities. Further, the state

law mandates annual data collection and reporting on all of these efforts, which is a significant lift for nonprofit food recovery organizations and local governments.

In prior years, CalRecycle provided grants as appropriated by the legislature to pay for food waste prevention and edible food recovery. Since 2018, CalRecycle has awarded \$28 million to 97 edible food recovery projects, which provided impressive results: 246 million meals or 295 million pounds of food redirected from landfills, 443 local jobs created, and GHG emission reductions equal to over 54,000 cars taken off the road. While CalRecycle's programs have often been funded through GGRF appropriations, they have also been funded by the General Fund. In the past two years, at a time when food insecurity is increasing, that funding has dried up. The last grant cycle was in FY 2022-23.

Specifically, we urge the Governor to allocate \$29 million annually to organic waste diversion grant programs at CalRecycle for the next five years. The existing SB 1383 Local Assistance Grant Program and the Edible Food Recovery Grant Program are among the most cost-effective expenditures, with a high ratio of GHG reduction per dollar, while simultaneously addressing food insecurity in our communities. With looming federal funding cuts to SNAP, this funding can help food banks and food recovery organizations, as they face a growing fiscal crisis along with unprecedented local need for food. Local governments are working hard with food recovery organizations to do this work, despite it not being adequately funded, which presents long-term challenges to meet the state's climate and equity goals. We strongly urge you to prioritize funding for food recovery grant programs.

Sincerely,

530 Food Rescue Coalition
Acterra: Action for a Healthy Planet
Alameda County Community Food Bank
Bayview Senior Services
Berkeley Food Network
California Association of Food Banks
California Food Recovery Coalition
California State Association of Counties
Californians Against Waste
Careit
City of Livermore
City of Oakland
City of San Jose
Common Vision
Daily Bowl
Dorothy Day House
Environmental Innovations
ExtraFood

Food Connect Circle
Food Finders Inc.
Food of God (FOG)
FoodRecovery.org
Food Shift
Hunger at Home
I Love to Glean
Impact LA
LEAF
League of California Cities
Loaves & Fishes Family Kitchen
Los Angeles Food Policy Council
Meals on Wheels, Orange County
No Time to Waste Food Recovery
NoHo Home Alliance
Open Heart Kitchen
Orange County United Way
ProduceGood
RecycleSmart | Central Contra Costa Solid Waste Authority
Recycling & Waste Reduction Commission of Santa Clara County
ReGen Monterey
San Lorenzo Family Help Center
Second Harvest of Silicon Valley
StopWaste
Tri-City Volunteers Inc, Food Bank + Mobile Pantry
Trybe
Upper Valley Agency Waste Management Agency
White Pony Express
Zero Waste Marin
Zero Waste Sonoma



Napa County

Board Agenda Letter

1195 THIRD STREET
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Main: (707) 253-4580

Upper Valley Waste Management Agency (UVWMA)
File ID #: 26-374

Agenda Date: 4/20/2026

TO: Board of Directors
FROM: Steven Lederer - Manager, UVWMA
REPORT BY: Kat Chambers - Staff Services Analyst II, UVWMA
SUBJECT: PUBLIC HEARING: Adoption of Fiscal Year 2026-2027 Budget

RECOMMENDATION

PUBLIC HEARING: ADOPTION OF FISCAL YEAR 2026-2027 BUDGET

REQUESTED ACTION: Staff requests Approval and Adoption of Agency Resolution No. 26-01, adopting the proposed final budget for Fiscal Year 2026-2027.

BACKGROUND

The Upper Valley Waste Management Agency (UVWMA) was formed in 1992 through a Joint Powers Agreement between Napa County, City of St. Helena, City of Calistoga, and the Town of Yountville. It coordinates and oversees solid waste, recycling, and organics services for the Upper Napa Valley by administering franchise agreements with private haulers, ensuring compliance with state waste reduction mandates, conducting rate and contract oversight, and supporting public outreach and education efforts.

The requested Fiscal Year 2026-2027 budget allocation would allow the Agency to continue meeting regulatory requirements, maintain effective program oversight, support regional waste diversion goals, and ensure reliable waste management services for residents and businesses.

The recommended Fiscal Year 2026-2027 budget is attached for Board approval:

Expenditures \$1,268,350

Revenues \$820,000

Use of Fund Balance \$448,350

The anticipated total revenues of \$820,000 are collected from franchise fees, grants, and interest earnings. Revenue is primarily provided through the UVDS Franchise Agreement, whereby the company provides the Agency funds in an amount equal to 3% of its gross revenue to the Agency. This is expected to generate approximately \$560,000 in revenue for Fiscal Year 2026-2027. In addition, the budget assumes \$25,000 in revenue from a CalRecycle grant to support recycling programs. The Agency also has a \$300,000 SB 1383 grant recorded as deferred revenue, of which approximately ~\$200,000 remains unearned and is expected to be

expended during Fiscal Year 2026-2027.

Expenditures are projected to remain consistent with last year's budget. The total requested appropriations are \$1,268,350, which is a modest increase of \$27,730 over last year's budget. Appropriations include \$200,000 for SB 1383 grant related expenditures, including the purchase of compost to meet SB 1383 procurement requirements for all Agency members, as well as \$300,000 allocated for community grants to support waste management-related projects conducted by UVA's member jurisdictions.

When compared to last fiscal year, the most significant increase in appropriations is \$50,000 in Consulting Services to fund the Waste Characterization Study. Additional increases include \$10,000 for Administration Services to cover cost-of-living adjustments and \$4,000 for Hazardous Waste Services due to anticipated rate increases. Offsetting these increases are reductions of \$30,000 in Community Grants due to the discontinuation of food grants, and \$7,000 in Printing and Binding as a result of reduced grant-related expenditures in that category.

The Agency is projected to begin Fiscal Year 2026-2027 with a fund balance of nearly \$2 million and end the year with a balance of \$1.5 million. The Board policy minimum fund balance requirement is \$35,000; thus, funding is available to support SB 1383 implementation projects, litter removal efforts, and other projects at the discretion of the Board.

BUDGET HEARING (Final Adoption)

1. Open Public Hearing.
2. Staff reports.
3. Public comment.
4. Close Public Hearing.
5. Motion, second, discussion and vote on the adoption of Resolution 26-01 approving the Budget for Fiscal Year 2026-27.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
Where is it budgeted?	Operating Revenues
Is it Mandatory or Discretionary?	Discretionary
Is the general fund affected?	Yes
Consequences if not approved:	If the proposed budget is not approved, the District will not have an adopted budget for Fiscal Year 2026-2027 and, therefore, would be unable to carry out its responsibilities or fulfill its mission.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

UPPER VALLEY WASTE MANAGEMENT AGENCY

Proposed Budget for Fiscal Year 2026-2027

Revenues	FY 2025/2026			FY 2026/2027		
	ADOPTED BUDGET	FORECASTED ACTUALS	BUDGET VS. ACTUALS	PROPOSED BUDGET	FY27 VS. FY26 BUDGET	
43420 - ST - Dept of Conservation	(25,000)	(25,000)	-	(25,000)	-	\$25k BCR 12
43790 - ST - Other Funding	(269,784)	(69,784)	200,000	(200,000)	69,784	SB1383 remaining deferred revenue
45100 - Interest	(35,000)	(38,576)	(3,576)	(35,000)	-	Same as last FY
46800 - Charges for Services	(560,000)	(560,000)	-	(560,000)	-	Same as last FY
Total Revenues	(889,784)	(693,359)	196,424	(820,000)	69,784	Overall revenue decreased by \$69,784 compared to previous FY
Expenditures						
52100 - Administration Services	265,000	255,061	(9,939)	275,000	10,000	Increased 3.5% from last FY, but mirrors FY25 & FY24
52125 - Accounting/Auditing Services	20,000	15,000	(5,000)	20,000	-	Same as last FY
52140 - Legal Services	50,000	50,000	-	50,000	-	Same as last FY
52310 - Consulting Services	170,000	210,000	40,000	220,000	50,000	\$90k WCS, \$10k Soluna, \$95k CCNB, \$30k cost share
52330 - Hazardous Waste Disposal Svcs	75,000	75,500	500	79,000	4,000	Increased rates 5%, \$70k Clean Earth
52600 - Rents/Leases - Equipment	200	551	351	300	100	Minor increase based on prior actuals
52700 - Insurance - Liability	4,970	4,875	(95)	5,500	530	Minor increase based on expected rates
52800 - Communications/Telephone	750	740	(10)	750	-	Same as last FY
52810 - Advertising/Marketing	30,000	18,000	(12,000)	30,000	-	Same as last FY
52820 - Printing and Binding	42,000	16,000	(26,000)	35,000	(7,000)	Reduced by \$7k for less grant funding
52830 - Publications and Legal Notices	1,500	1,500	-	1,500	-	Same as last FY
52900 - Training/Conference Expenses	500	500	-	500	-	Same as last FY
52905 - Business Travel/Mileage	500	50	(450)	500	-	Same as last FY
53100 - Office Supplies	50	50	-	50	-	Same as last FY
53110 - Freight/Postage	50	25	(25)	50	-	Same as last FY
53400 - Minor Equipment/Small Tools	100	477	377	200	100	Increased for small tools purchases
53600 - Special Department Expense	250,000	160,000	(90,000)	250,000	-	No change from last FY. \$19k SB1383, \$130k Compost, \$25k BCR
54805 - Community Grants	330,000	131,976	(198,024)	300,000	(30,000)	Reduced by \$30k (no longer providing food grant)
Total Expenditures	1,240,620	940,304	(300,316)	1,268,350	27,730	Overall increase in appropriations by \$27,730 compared to previous FY

	FY 2025/2026	FY 2026/2027	
Total Revenues	(693,359)	(820,000)	
Total Expenditures	940,304	1,268,350	
Net Surplus or Deficit	246,945	448,350	
Fund Balance as of 6/30/2025	2,197,247	1,950,302	Fund Balance as of 6/30/2026
Deficit from current fiscal year	246,945	448,350	Deficit from current fiscal year
Fund Balance as of 6/30/2026	1,950,302	1,501,952	Fund Balance as of 6/30/2027

UPPER VALLEY WASTE MANAGEMENT AGENCY

Historical Budget to Actuals YOY and Fund Balance Detail

Requested Budget for Fiscal Year 2026/2027

ACCOUNT	ACCOUNT DESCRIPTION	FY27 REQUESTED BUDGET	FY26 BUDGET	FY26 FORECASTED ACTUALS	FY25 BUDGET	FY25 ACTUALS	FY24 BUDGET	FY24 ACTUALS	FY23 BUDGET	FY23 ACTUALS
43420	ST - Dept of Conservation	(\$25,000)	(\$25,000)	(\$25,000)	(\$25,000)	(\$8,388)	(\$25,000)	\$0	(\$25,000)	\$0
43790	ST - Other Funding	(\$200,000)	(\$269,784)	(\$69,784)	(\$300,000)	(\$51,890)	\$0	\$0	(\$91,694)	\$0
45100	Interest	(\$35,000)	(\$35,000)	(\$38,576)	(\$35,000)	(\$66,110)	(\$14,000)	(\$47,737)	(\$7,000)	(\$20,601)
46800	Charges for Services	(\$560,000)	(\$560,000)	(\$560,000)	(\$550,000)	(\$627,100)	(\$530,000)	(\$581,261)	(\$480,000)	(\$543,338)
52100	Administration Services	\$275,000	\$265,000	\$255,061	\$275,000	\$215,289	\$275,000	\$112,274	\$220,000	\$156,906
52125	Accounting/Auditing Services	\$20,000	\$20,000	\$15,000	\$20,000	\$6,632	\$40,000	\$5,113	\$20,000	\$7,699
52132	ITS Records Management	\$0	\$0	\$0	\$0	\$954	\$0	\$0	\$0	\$0
52140	Legal Services	\$50,000	\$50,000	\$50,000	\$50,000	\$24,753	\$90,000	\$60,829	\$90,000	\$19,728
52310	Consulting Services	\$220,000	\$170,000	\$210,000	\$130,000	\$86,400	\$100,000	\$85,248	\$100,000	\$74,452
52325	Waste Disposal Services	\$0	\$0	\$0	\$0	\$3,302	\$0	\$7,758	\$0	\$0
52330	Hazardous Waste Disposal	\$79,000	\$75,000	\$75,500	\$80,000	\$45,859	\$80,000	\$53,636	\$80,000	\$58,212
52600	Rents/Leases - Equipment	\$300	\$200	\$551	\$0	\$33	\$0	\$199	\$0	\$0
52700	Insurance - Liability	\$5,500	\$4,970	\$4,875	\$2,500	\$0	\$2,486	\$4,970	\$1,957	\$2,382
52800	Communications/Telephone	\$750	\$750	\$740	\$700	\$753	\$700	\$750	\$700	\$715
52810	Advertising/Marketing	\$30,000	\$30,000	\$18,000	\$30,000	\$12,578	\$10,000	\$31,998	\$10,000	\$6,837
52820	Printing and Binding	\$35,000	\$42,000	\$16,000	\$35,000	\$5,427	\$20,000	\$6,040	\$14,000	\$15,021
52830	Publications & Legal Notices	\$1,500	\$1,500	\$1,500	\$2,000	\$0	\$2,000	\$0	\$2,000	\$0
52900	Training/Conference Expenses	\$500	\$500	\$500	\$500	\$0	\$500	\$0	\$500	\$0
52905	Business Travel/Mileage	\$500	\$500	\$50	\$500	\$38	\$500	\$0	\$500	\$63
53100	Office Supplies	\$50	\$50	\$50	\$50	\$0	\$50	\$0	\$50	\$0
53110	Freight/Postage	\$50	\$50	\$25	\$50	\$0	\$50	\$0	\$50	\$0
53115	Books/Media/Subscriptions	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$60
53400	Minor Equipment/Small Tools	\$200	\$100	\$477	\$100	\$0	\$100	\$0	\$100	\$0
53600	Special Department Expense	\$250,000	\$250,000	\$160,000	\$135,000	\$65,062	\$100,000	\$57,607	\$100,000	\$85,823
54805	Community Grants	\$300,000	\$330,000	\$131,976	\$300,000	\$199,131	\$300,000	\$768	\$300,000	\$0
8200000 - STARTING FUND BALANCE		\$1,950,302	\$2,197,247		\$2,109,970		\$1,880,378		\$1,712,760	
8200000 - REVENUES		(\$820,000)	(\$693,359)		(\$753,488)		(\$656,781)		(\$595,515)	
8200000 - EXPENSES		\$1,268,350	\$940,304		\$666,211		\$427,189		\$427,898	
8200000 - ENDING FUND BALANCE		\$1,501,952	\$1,950,302		\$2,197,247		\$2,109,970		\$1,880,378	

UPPER VALLEY WASTE MANAGEMENT AGENCY

Division Detail - 82000

Appropriations

Major Account Classification	Actual 2025	Adopted 2026	Requested 2027
52 - Services	402,018	660,420	718,050
53 - Supplies	65,062	250,200	250,300
54 - Other Charges	199,131	330,000	300,000
55 - Capital Assets	-	-	-
57 - Special Items	-	-	-
Total Appropriations	666,211	1,240,620	1,268,350

Revenue

Major Account Classification	Actual 2025	Adopted 2026	Requested 2027
43 - Intergovernmental Revenues	60,278	294,784	225,000
44 - Fines, Forfeitures, and Penalties	-	-	-
45 - From Use of Money/Property	66,110	35,000	35,000
46 - Charges for Services	627,100	560,000	560,000
47 - Grants	-	-	-
Total Revenue	753,488.00	889,784.00	820,000.00

Use of Fund Balance

	Actual 2025	Adopted 2026	Requested 2027
(Deficit) or Surplus	\$ 87,277	\$ (350,836)	\$ (448,350)

Activities	Actual 2025	Adopted 2026	Requested 2027
Administrative Services	\$215,289	\$265,000	\$275,000
Accounting/Auditing Services	\$6,632	\$20,000	\$20,000
Legal Services	\$24,753	\$50,000	\$50,000
Consulting Services	\$86,400	\$170,000	\$220,000
Hazardous Waste Disposal	\$45,859	\$75,000	\$79,000
Rent/Leases - Equipment	\$33	\$200	\$300
Insurance Liability	\$0	\$4,970	\$5,500
Communications/Telephone	\$753	\$750	\$750
Advertising/Marketing	\$12,578	\$30,000	\$30,000
Printing and Binding	\$5,427	\$42,000	\$35,000
Publications & Legal Notices	\$0	\$1,500	\$1,500
Training/Conference Expense	\$0	\$500	\$500
Business Travel/Mileage	\$38	\$500	\$500
Office Supplies	\$0	\$50	\$50
Freight/Postage	\$0	\$50	\$50
Minor Equipment/Small Tools	\$0	\$100	\$200
Special Departmental Expenses	\$65,062	\$250,000	\$250,000
Community Grants	\$199,131	\$330,000	\$300,000
Total Expenditures	666,211	1,240,620	1,268,350



RESOLUTION NO. 26-01

A RESOLUTION OF THE UPPER VALLEY WASTE MANAGEMENT AGENCY ADOPTING THE BUDGET OF THE AGENCY FOR FISCAL YEAR 2026-2027

WHEREAS, the Upper Valley Waste Management Agency (Agency) is a joint powers agency charged with providing coordination of economical and regional waste management services, and on an annual basis adopts a budget to provide such services; and

WHEREAS, the recommended budget of the Agency for fiscal year 2026-2027 has been prepared, made available for distribution, and distributed according to law; and

WHEREAS, notices of the availability of the 2026-2027 budget and the date of the hearing on the budget were published on March 26, 2026 and April 2, 2026 in the Napa Valley Register and the St. Helena Star, pursuant to Government Code section 29080; and

WHEREAS, hearings were held by the Agency, as designated in the published notice, to consider and discuss the various items contained in the recommended budget; there are no requests or applications on file with the Agency for further hearings, the Agency has declared the hearings concluded, and it is now the time to adopt the recommended budget of the Agency for fiscal year 2026-2027.

NOW, THEREFORE, BE IT RESOLVED by the Directors of the Agency, as the governing board of the Agency, that the recommended budget, including those changes (if any) adopted by the Agency during the budget hearings, are hereby adopted, and the documents which by reference show

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in detail the approved appropriations, revenues and other methods of financing in the budget as finally determined are hereby approved and incorporated by reference herein.

BE IT FURTHER RESOLVED that total financing requirements, for fiscal year 2026-2027 are as follows:

Expenditures	\$1,268,350.00
Revenue	\$820,000.00

The foregoing resolution was duly and regularly adopted by the Board of Directors of the Upper Valley Waste Management Agency at a regular meeting of said Agency held on the 20th day of April, 2026, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

By: _____
Chair, Upper Valley Waste Management Agency

By: _____
ATTEST: Steve Lederer, Manager, Upper Valley Waste Management Agency

APPROVED AS TO FORM Office of Agency Counsel By: <i>Gary B. Bell</i> Gary B. Bell (e-signature) Date: March 4, 2026



Napa County

Board Agenda Letter

1195 THIRD STREET
SUITE 310
NAPA, CA 94559
www.napacounty.gov
Main: (707) 253-4580

Upper Valley Waste Management Agency (UVWMA)
File ID #: 26-857

Agenda Date: 4/20/2026

TO: Board of Directors
FROM: Steven E. Lederer, Agency Manager
REPORT BY: Kat Chambers, Staff Services Analyst II
SUBJECT: Consideration of Request for Grant Funds for the Town of Yountville.

RECOMMENDATION

CONSIDERATION OF REQUEST FOR GRANT FUNDS FOR THE TOWN OF YOUNTVILLE.
REQUESTED ACTION: Approval to award grant funding in the amount of \$25,000 for the Town of Yountville for the purchase of enclosures and signs for recycling, compost and trash carts and water refill stations.

BACKGROUND

Following the 2017 wildfires, a substantial volume of debris from Napa and Sonoma counties was disposed of at Clover Flat Landfill (CFL). At that time, Agency revenues were directly tied to disposal volumes, resulting in the accumulation of funds in excess of those required for ongoing operations. The Agency Board subsequently expressed its intent to reinvest these excess funds into the community, assisting its member jurisdictions through projects that advance the Agency's mission. To facilitate this effort, the Board authorized the issuance of a Notice of Funds Availability (NOFA), distributed to all member agencies on February 10, 2020, and again on June 23, 2025.

As these funds were generated from ratepayers within the Agency's jurisdiction, all proposed projects must be located within UVA boundaries and be consistent with the Agency's mission. The Town of Yountville's submittal is being considered as part of this ongoing funding program.

The Town of Yountville proposes to purchase enclosures for recycling, compost and trash carts for three (3) locations, with signage, as well as an outdoor water refill station. These purchases will improve access and guidance for proper waste sorting and will help to combat the use of single-use plastics.

The submittal is attached for the Board's review. The project meets the criteria for award and, in the opinion of the Agency Manager, is beneficial to the community and meets the mission of the Agency. The Board retains the absolute discretion to award funds for the project or not, and can choose to award none, some, or all of the funds requested. Should the Board choose to award a project, the approved amount in the budget will be "designated" such that the funds cannot be used for other purposes. The member will perform the project,

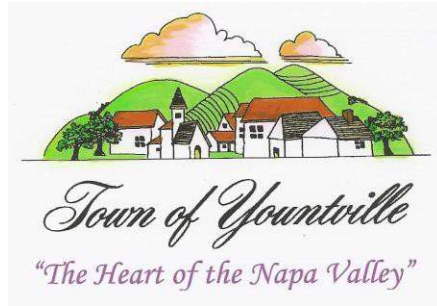
produce signage proofs for approval prior to dispatching signage, and present documentation to the Agency Manager that the funds have been spent in accordance with their proposal.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Subdivision 8200000
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The proposed submittal meets the needs of our jurisdiction members and is within the mission of the Agency.
Is the general fund affected?	No
Future fiscal impact:	None
Consequences if not approved:	This grant will not be awarded to the Town of Yountville.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. The project will not impact an environmental resource of hazardous or critical concern, has no cumulative impact, there is no reasonable possibility that the activity may have a significant effect on the environment due to unusual circumstances, will not result in damage to scenic resources, is not located on a list of hazardous waste sites, cause substantial adverse change in the significance of a historical resource or extract groundwater in excess of the Phase 1 groundwater extraction standards as set by the Department of Public Works. [See Class 3 ("New Construction or Conversion of Small Structures") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15303; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.]



March 16, 2026

Upper Valley Waste Management Agency
c/o Napa County Public Works
Department 1195 Third St., Napa, CA
9455

Attention: Mr. Steve Lederer; Public Works Director

Via Email: Steven.Lederer@countyofnapa.org

Cc: upvalleyrecycles@countyofnapa.org

Re: **Upper Valley Waste Management Agency Grant Program;
Request for Grant Funds to Improve Access and Guidance for Waste Sorting and to Combat
the use of Single Use Plastics.**

Dear Mr. Lederer,

The Town of Yountville Public Works is seeking financial support to enhance trash disposal methods and decrease the use of single use plastics within public spaces. In the past, grant funds provided by the Upper Valley Waste Management Agency (UVWMA) facilitated the installation of "Big Belly" receptacles at two primary parks and the Community Center. The introduction of these receptacles has led to improvements in waste sorting practices in those areas. However, the current usage of Big Belly receptacles is limited in certain public parks due to specific restrictions. Notably, the receptacles must be capable of handling larger items, such as pizza boxes and large food containers, which is not always possible with the existing units. While the Big Belly receptacles are equipped with signage to guide proper waste sorting, contamination of recycling and compost bins still occur. The compacting mechanism of these receptacles often makes it challenging to remove contaminants from the recycling and compost streams once they are inside. Town staff are finding repeated cases of contamination in the recycling bins from the standard waste bins and the Big Belly style waste bins.

The Town's proposed solution is to acquire container enclosures that will incorporate the standard trash totes already used by residents provided by Upper Valley Waste. Because residents are already familiar with this style of tote, introducing them in public spaces will make it easier for everyone to properly sort trash, recycling, and compost. These new bins will be accompanied by improved signage to encourage proper sorting and help reduce contamination across all collection points.

After conducting a thorough evaluation of available waste receptacle models, the Town has identified a solution that aligns with the community's requirements. The Tivor brand trash enclosures offer a sophisticated and highly functional approach to waste management. Constructed from durable, weather-resistant wood, these enclosures are designed not only to enhance the organization and cleanliness of public spaces, but also to complement and elevate

the visual appeal of their surroundings. Each unit is meticulously crafted to integrate harmoniously with the landscape, thereby providing both practical utility and aesthetic value.

The plan is to buy 3 Tivor trash enclosures for the Coop (Farmstand), Town Hall back lot, and Yountville Commons Schmitt Hall. We'll assess their effectiveness at these sites before installing them in public parks. By doing so, the Town aims to make its waste diversion program as efficient and effective as possible.

In tandem with our ongoing waste management initiatives, the Town is also adopting a more proactive and comprehensive strategy to reduce the use of single-use plastics. At present, water filling stations are available within our public buildings, and they have proven both popular and effective in reducing disposable bottle usage. Building on this success, the Town conducted thorough research to select outdoor water filling station models that are both highly functional and visually appropriate for our parks and community spaces. By expanding access to these types of stations, we aim to further encourage residents and visitors alike to embrace reusable water containers, thereby fostering a culture of sustainability throughout Yountville.

This water filling station is designed to dispense both chilled still water and sparkling water to the public, featuring user-friendly button activation and automated timed dispensing. The first location for this type of water filling station will be at the Coop (Farmstand) behind town hall. This spot is easy to access and monitor, which will help us better track its usage and the benefits it brings to the community.

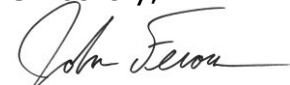
In summary the town is requesting a total of \$25,000 for the following improvements.

1. Trash Enclosure Tivor Brand Boxes at 3 locations	
a. Coop (Farmstand) located behind town hall.	\$2,680
b. Town Hall trash area located in the back parking lot.	\$2,680
c. Yville Commons Schmitt Hall site.	\$2,680
2. Signage and materials to encourage proper sorting	\$2,000
3. Outdoor Water Refill Station with still water and sparking water.	\$10,078
	Total: \$20,118

Attached are the quotes received from Tivor Box for the trash enclosures and Culligan Quench for the water fountain dispenser. The cost for educational materials is an estimate based on recent signage and material costs.

Thank you in advance for your consideration of this request. If you have any questions, or need more information please contact me at your convenience.

Sincerely,



John Ferons
Public Works Director

Water Filling Station Freestanding (576)	Purchase	Install	3 YR Annual MC (Avg)
Top Pro (FS)	\$7,440	\$800	\$1,628
Top Pro (Mechanical Buttons) FS	\$7,650	\$800	\$1,628



Product Details

Enhance your workplace hydration solutions with some sparkle! The 576: Vivreau® Top Pro offers sparkling and semi-sparkling water as well as still cold and ambient drinking water through an intuitive push button or touch dispensing interface. This compact, eye-catching sparkling water dispenser fits in the most modern breakrooms or hygiene-sensitive environments, like hospitals, healthcare facilities, and wellness and spas. The 576 offers innovative installation with an optional easy access control panel that can be positioned and installed at different heights for universal access. The 576: Vivreau® Top Pro is available as a freestanding or countertop machine.

Vivreau® Top Pro

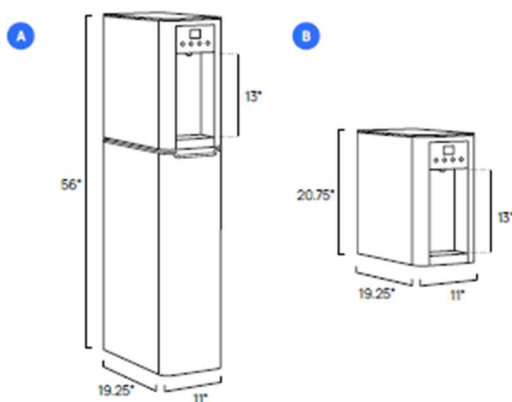
- Cold and ambient filtered still water
- Chilled sparkling and semi-sparkling water
- Intuitive touch or mechanical button dispensing with preset portions
- Large 13" dispensing area and drip tray
- Aluminum dry block cooling technology
- Advanced filtration for clean, great-tasting filtered water
- Taller, ergonomic design for easy, no-bend dispensing (Freestanding)
- Available as a freestanding or countertop machine

Culligan Quench products are certified by independent authorized 3rd party laboratories in accordance of appropriate industry standards. To find out more about which certification your product may have, please contact us.

All sparkling water dispensers require CO₂ cylinders. If connecting to a bulk or existing CO₂ system, a CO₂ line terminating at a 1/4" barbed shutoff valve must be available at the installation site.

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Specifications



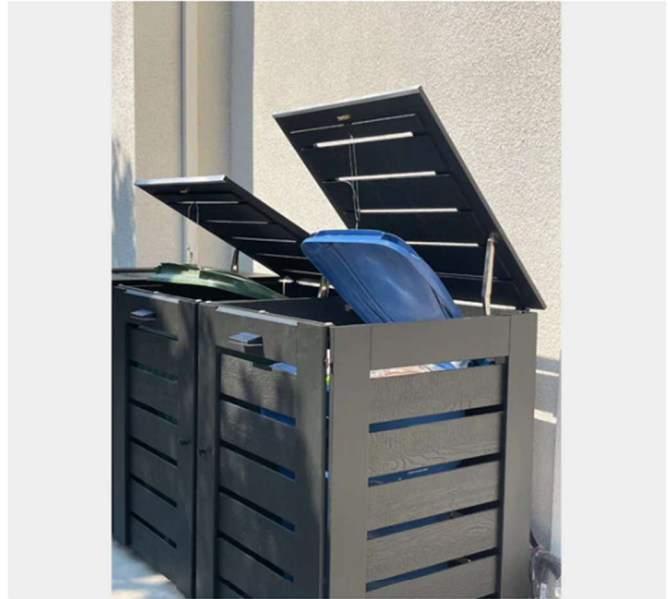
A 576 Freestanding

Dimensions	56" h x 11" w x 19.25" d
Dispensing Area	13"
Weight	138 lbs
Water Options	Cold still, ambient still, chilled sparkling, chilled semi-sparkling
Continuous Cold Water Supply	22.4 gal/hr (84.8 liters/hr)
Cooling Technology	Ice bank cooling technology
Recommended Water Pressure	50 – 80 PSI
Rated Voltage/Frequency	60 Hz/120 V
Power Consumption	8 amps
Model	576 FS VC T / 576 FS VC M

B 576 Countertop

Dimensions	20.75" h x 11" w x 19.25" d
Dispensing Area	13"
Weight	88 lbs
Water Options	Cold still, ambient still, chilled sparkling, chilled semi-sparkling
Continuous Cold Water Supply	22.4 gal/hr (84.8 liters/hr)
Cooling Technology	Ice bank cooling technology
Recommended Water Pressure	50 – 80 PSI
Rated Voltage/Frequency	60 Hz/120 V
Power Consumption	8 amps
Model	576 CT VC T / 576 CT VC M

Tivor Box Trash Enclosure



PVC / Box for 3 bins

\$2,680.00 USD

Shipping calculated at checkout.

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Color: Custom



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Napa County

Board Agenda Letter

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Upper Valley Waste Management Agency (UVWMA)
File ID #: 26-910

Agenda Date: 4/20/2026

TO: Board of Directors
FROM: Steven Lederer - Manager, UVWMA
REPORT BY: Steven Lederer - Manager, UVWMA
SUBJECT: Franchises' Status

RECOMMENDATION

FRANCHISES' STATUS

DISCUSSION AND POSSIBLE ACTION: Agency Manager and Company to provide an update concerning the implementation of franchises' activities.

BACKGROUND

Standing agenda items include:

1. Communications with customers/upcoming events.
2. Quarterly report is attached (if a new one has been received since the last meeting).
3. Other happenings of interest to the Board.

For this meeting, the Company will present on their safety program, as requested at a previous Board meeting, and on current legislation of interest and concern.

No Board action is anticipated.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

Upper Valley Disposal Services
1285 Whitehall Lane, St. Helena, CA 94574
Tel 707-963-7988
<https://uvds.com>



UPPER VALLEY
DISPOSAL • RECYCLING • COMPOST

JPA ANNUAL REPORT

FOR CALENDAR YEAR 2025

JPA ANNUAL REPORT YEAR END 2025

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Executive Summary

CONITNUED COMMITMENT

Upper Valley Disposal Services (UVDS) continuously works to meet the requirements of the franchise agreement with the Upper Valley Waste Management Agency, as well as all state and local regulations, to divert materials from the landfill and reduce greenhouse gas emissions. We pair this commitment with reliable, responsive customer service and a strong focus on safety to ensure high-quality service every day. UVDS also refines and adopts new technologies, invests in fleet enhancements, and improves operational efficiency to better serve our community. Through ongoing outreach, education, and continuous improvement, we remain dedicated to environmental stewardship and exceptional service.

2025 IN REVIEW

Throughout 2025, we continued to advance our diversion efforts across both commercial and residential sectors. Our team participated in multiple community events to strengthen customer education around proper recycling and composting practices. UVDS also reinforced its organization-wide commitment to continuous improvement—focusing on safety, program development, and clear communication in alignment with Waste Connections’ values. In addition, we implemented updated policy changes for our recycling stream, ensuring customers receive clear guidance as standards evolved. These combined efforts helped support higher diversion, better sorting, and stronger engagement throughout the year.

LOOKING AHEAD

For 2026, UVDS will remain focused on improving community and employee safety, organics and recycling compliance, and customer service. We are committed to our efforts in educating the public on proper sorting of household and commercial waste to ensure SB 1383 and AB 939 compliance. With our new technological resources, contamination procedures and customer communication we will continue to improve our customer communication and operational efficiency.

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Summary assessment of Programs

Residential Programs

1. All residential customers are offered three services as part of a bundled “resource hauling” rate. This includes a gray or brown “landfill” (garbage) cart, a blue recycling cart and a green cart for organics. The bundled rate is based on the size of the landfill cart.
2. Single family customers, by contract, are residents living in single family, duplex, triplex or fourplex dwellings. Mobile Home Parks where each customer has their own service are also considered residential customers regardless of who pays the bill (individual or park).
3. Used motor oil & filter collection. To participate, customers must call and request a Used Oil Recovery Kit. Once they have the kit, they can call to request collection on their service day.
4. Bulky Item collection by appointment.
5. Drop off programs throughout the year, in partnership with the JPA and other organizations for materials such as document shredding, e-waste, and household hazardous waste
6. Battery container collection by appointment.

Multifamily Programs

Multifamily dwellings with 5 or more units, are offered a variety of container types, sizes and collection frequency. Collection frequency is the number of days per week the customer has service.

1. Customers who subscribe to cart service for garbage (gray cart) are provided one single stream recycling (blue) cart and one organics (green) cart at no additional charge.
2. Commercial customers who subscribe to bin service for garbage service are provided three single stream recycling (blue) carts and one yard waste (green cart) at no additional charge.
3. Customers may choose to pay additional monthly fees for extra recycling and organics carts.
4. Bulky Item collection by appointment for a fee.
5. Used motor oil & filter collection by appointment.
6. Drop off programs throughout the year, in partnership with the JPA and other organizations for materials such as document shredding, e-waste, and household hazardous waste. Year round drop off of many material types for free at Clover Flat Resource Recovery Park is also offered.

Commercial Programs

Commercial businesses are offered a variety of container types, sizes and collection frequency.

Collection frequency is the number of days per week the customer has service.

1. Customers who subscribe to cart service for garbage (gray cart) are provided one single stream recycling (blue) cart and one organics (green) cart at no additional charge.
2. Commercial customers who subscribe to bin service for garbage service are provided three single stream recycling (blue) carts and one yard waste (green cart) at no additional charge.
3. Customers may choose to pay additional monthly fees for extra recycling and organics carts.
4. Food scrap carts are offered at no additional charge for those customers with commercial kitchens or large volumes of food waste.
5. Drop-off recycling programs for wine industry specific materials (cardboard, glass at no cost)
6. Household hazardous waste disposal for a fee.
7. Electronic waste collection by appointment.

JPA ANNUAL REPORT YEAR END 2025

PROGRAMS IMPLEMENTED WITH UPDATED FRANCHISE AGREEMENT SINCE JULY 2021

Residential Programs

Organics Recycling Program

The Organics Collection Program has been in place since July 2021. Customers are required to include food scraps, and food soiled papers to be co-collected with yard waste. Customers are provided with kitchen pails and educational materials to help them participate in the new program.

Lessons Learned and Plan(s) to improve

1. Lesson:
 - a. In 2025, we saw a noticeable increase in customers participating in the organics recycling program, a trend clearly reflected in the results of our annual lid flips. More residents are placing organic materials in the correct cart, and overall engagement in the program continues to grow. Strengthening outreach, reinforcing proper sorting practices, and providing clearer guidance will be essential to further improve organics diversion and reduce contamination.
2. Solution:
 - a. We continue to share educational materials with customers through newsletters, social media, and community outreach to reinforce proper sorting. In 2025, we placed a stronger emphasis on accountability by improving how we identify and address contamination. Drivers are now leaving more tags on carts and bins to flag issues, followed by contamination fees and targeted outreach when problems persist. These steps help customers correct mistakes and support cleaner recycling and organics streams.

Curbside Bulky Item/Reusable Materials collection

Single Family Residential customers may call twice a year for the curbside collection of up to 2 cubic yards (or 2 large bulky items), 5 e-waste items, and 2 appliances without Freon (or 1 appliance with Freon). Customers must call and request this service. Customers can also call in to request a Battery Container, (intended for household batteries only) that can be emptied when they schedule a Bulky Item pickup. Collection is offered on the customer's service day. Participation in the program has steadily increased since it was rolled out.

Lessons Learned and Plan(s) to improve

1. Lesson:
 - a. Participation in this program has continued to grow each year, supported by increased outreach and advertising. We are also working to maintain efficiency by limiting collections to the designated service day whenever possible. Customers consistently express appreciation for the program and the convenience it provides.
2. Solution:
 - a. We will continue promoting the program throughout 2026 through our ongoing outreach efforts, ensuring customers are aware of the services available to them. When new customers begin service, our customer service team provides a thorough overview of all program options, and each household receives a welcome letter outlining every service offered

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Residential Bulky/Reusable Item Collection Program					
Bulky item program		Household items	E-Waste Items	Appliances	Battery Containers
	# Of Participants	# Of Items	# Of Items	# Of Items	# Of Items
2025	955	1,271	524	414	30

Multifamily Programs

Organics Recycling Program

Customers are required to include food scraps, and food soiled papers to be co-collected with yard waste. Customers were provided with kitchen pails and educational materials to help them participate in the new program. Distribution of kitchen pail and green carts to mobile home park residents began in late 2021 and was completed in January 2022.

Lessons Learned and Plan(s) to improve

1. Lesson:
 - a. Multifamily customers continue to face challenges with limited space for additional containers. Midway through 2025, we began working closely with Soluna Outreach Solutions, contracted through UVWMA, to help address these barriers. Their team specializes in multifamily engagement and has been instrumental in identifying and supporting properties that lack compost service. Through their targeted outreach and on-site assessments, we have already seen meaningful progress in expanding organics access and participation.
2. Solution:
 - a. In 2026, we will continue our partnership with Soluna Outreach Solutions to strengthen multifamily organics participation and address ongoing space and service challenges. Their team will remain a key resource as we work to implement the recommendations developed through their on-site assessments, property evaluations, and direct engagement with residents and managers. We plan to adapt their guidance into our daily operations, whether that means adjusting container configurations, improving signage, refining outreach materials, or tailoring education to the unique needs of each property.

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Curbside Bulky Item/Reusable Materials collection

This program was extended to Mobile Home Park Residents who have their own service but have service paid for by the park. These customers have individual accounts (child accounts) that each have their own set of carts but are paid for by the park. This allows us to enter work orders and keep track of their bulky item pick-ups.

Lessons Learned and Plan(s) to improve

1. Lesson:
 - a. This program has been running smoothly, although there are more space constraints at these locations.
2. Solution:
 - a. UVDS ensure to pick up the bulky items on their service day to make sure they are out of the way for the residents.

Mobile Home Park Residents Bulky/Reusable Item Collection Program					
Bulky item program		Household items	E-Waste Items	Appliances	Battery Containers
# Of Participant		# Of Items	# Of Items	# Of Items	# Of Items
2025	184	245	97	51	4

Commercial Programs

Organics Recycling Program

Customers are required to include food scraps, and food soiled papers to be co-collected with yard waste in the organics bin. Customers with commercial kitchens or large amounts of food waste are offered source separated commercial food scrap collection. Customers can request kitchen pails and educational materials for breakrooms to help staff participate in the program.

Lessons Learned and Plan(s) to improve

1. Lesson:
 - a. We have seen a steady increase in organics collection among our commercial customers in 2025. This progress is largely due to our focused efforts on frequent monitoring to address contamination and ensure proper sorting. Throughout the year, we also dedicated substantial time to identifying accounts that were not compliant with SB 1383 and working directly with them to onboard organics service. By combining consistent field checks, targeted outreach, and hands-on support for non-compliant businesses, we have made meaningful strides.
2. Solution:
 - a. UVDS will continue expanding outreach and education for commercial accounts throughout 2026 to help capture as much organic material as possible through site visits, walk-throughs, trainings, and updated resources. Building on the progress made in 2025, we are enhancing our contamination response by using driver-submitted photos to identify specific issues and target customers who need additional support. When necessary, contamination fees will reinforce proper sorting expectations, while

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our outreach team provides guidance to help businesses correct problems and successfully divert more organics into the compost stream.

Program Participation

Overall, we are seeing a steady decrease in garbage services and an increase in recycling/organics services. In the table below, you can see the decrease in the “Garbage Only” number for both commercial and residential, and the increase in “Garbage, Organics & Recycling.” This represents the efforts in meeting our diversion and SB 1383 goals by decreasing the amount of waste disposed of and increasing the waste being recycled and composted. We continue to monitor accounts who are not set up with either compost or recycling service and improve our participation.

Table 1: Residential/ Commercial Collection Program Participation

Q4 2025 Residential Collection Program Participation	Q4 2024	Q4 2025
Garbage Only	0.75%	0.67%
Garbage + Recycling	6.16%	5.75%
Garbage + Organics	0.77%	0.76%
Garbage + Organics + Recycling	92.32%	92.82%
	100%	100%
Q4 2025 Commercial Collection Program Participation		
Garbage Only	2.53%	2.80%
Garbage + Recycling	29.79%	23.84%
Garbage + Organics	0.72%	0.65%
Garbage + Organics + Recycling	66.95%	72.70%
	100%	100%

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PUBLIC EDUCATION & OUTREACH

To show the community the ongoing commitment of the company, UVDS began an extensive overhaul of the public outreach & education programs. This included rebranding the company logo that better reflects the activities we perform, new messaging on all carts and vehicles, and extensive creation of outreach materials for every specific function and interaction the company encounters with its customers.

Figure 1: Messaging & Labels



Drivers and auditors who notice that the wrong items have been placed in the cart will leave a tag educating the customer on the mistake (front of the tag). The back of the tag shows what can actually go in the cart. There are Oops tags for Compost, Recycling, Commercial Food Scraps, and Garbage. Based on customer feedback from the SB 1383 route review lid-flip audits, these tags were revised and reprinted. In 2025 we are creating new “oops” tags for the drivers specifically. These new tags will have the most common contamination items clearly pictured on the tag so the driver can easily circle the contamination and show which stream it should be placed in. These tags will also include information on cart placement to avoid any servicing issues, as well as a blank “notes” space where the driver can specifically write in notes for customers.

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Figure 2: Driver/Auditor Tags



Printed and Downloadable Materials

To reach the majority of customers, the Company uses a combination of communication strategies including tabling at community events, tours, social media, newspaper ads, robo calls, and direct mailers through bill inserts to customers regularly.

Lessons Learned and Plan(s) to improve

1. Lessons:
 - a. Education requires consistent outreach with our customers, specifically commercial customers due to employee turnover, commuting from other counties, and the ever-changing information.
2. Solution:
 - a. UVDS continued to prioritize in-person outreach throughout the year, offering staff trainings, site visits, facility tours, presentations, and maintaining a strong presence at community events through tabling and booths. We also sustained our digital education efforts by distributing quarterly newsletters and keeping our social media

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platforms active with timely, informative content. To support proper sorting and reduce contamination, our outreach coordinator conducts targeted audits whenever contamination issues arise. These audits allow us to identify problem areas quickly, provide direct feedback, and work with customers to improve their sorting practices. As part of this effort, we designed updated Oops tags for 2025, making contamination notices clearer and more actionable for both customers and drivers. We also launched our new customer app, WasteConnect. Anyone with UVDS service can download the app to receive collection-day reminders, view their service details, and access a searchable database that helps users determine the correct stream for specific items. This tool makes it easier for customers to stay informed, reduce contamination, and participate more effectively in our diversion programs.

All service area residential and commercial customers have received multiple mailed communication pieces informing them of the programs and services offered by UVDS and UVWMA. These mailings have educated the public on zero waste programs, proper recycling and composting practices, the hours and times of operation at all facilities, proper disposal of household hazardous waste, and State Laws regarding separating organics and recyclables from landfill materials. In addition, these materials were distributed at community events and presentations. All inserts, educational outreach and newsletters are available on the website under the Resources tab.

Figure 3: Getting Started Guides

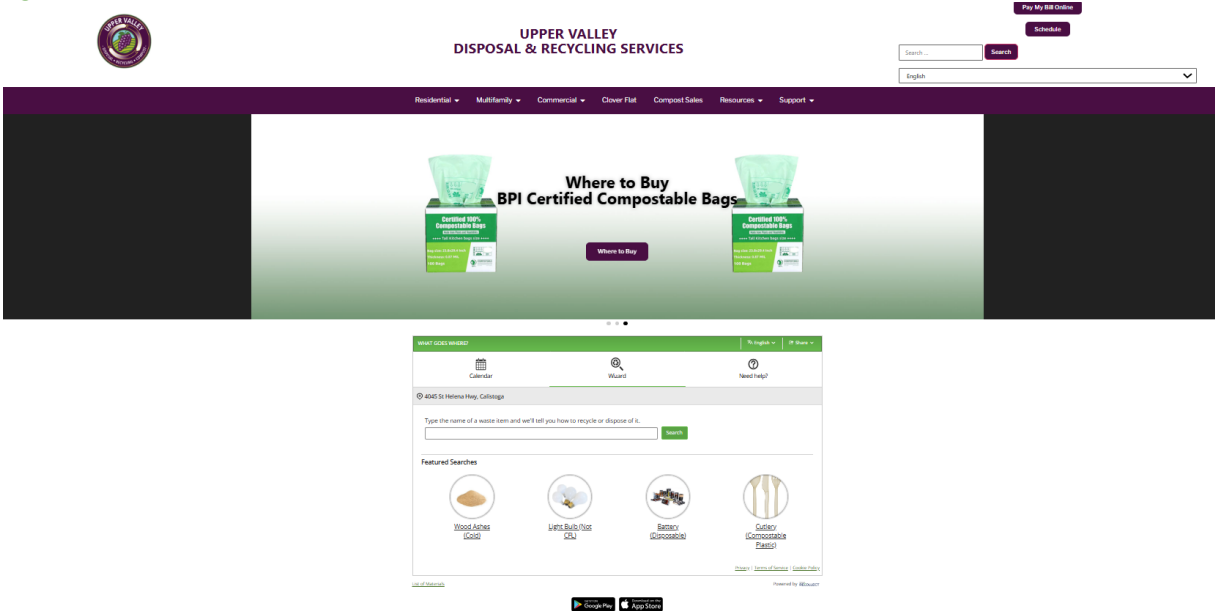


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Website

Throughout the year, we continued to keep our website updated with downloadable resources, including quarterly newsletters, posters, and guides. Current rates for commercial, residential, and roll-off services are also posted and maintained to ensure customers always have access to accurate information. We regularly use the home-page banner to share timely updates such as facility hours, holiday schedules, and other important notices. In addition, we introduced a new feature called the Wizard, which allows customers to search any material they have questions about and instantly see which stream it belongs in. This tool has made it easier for customers to find clear, reliable sorting guidance whenever they need it. In 2026, we will continue to update the website regularly and provide customers with the most current resources to ensure accurate information is always available. Keeping our online materials up to date supports our recycling and composting initiatives by giving customers clear guidance, easy access to tools, and reliable information that reflects any program or policy changes.

Figure 4: Website



Increased social media presence with posts about relevant community events, articles the public may be interested in, educational tips on what is and is not recyclable/compostable, fun photos from our presentations and drop-off events. <https://www.facebook.com/uppervalleydisposalrecycling>.

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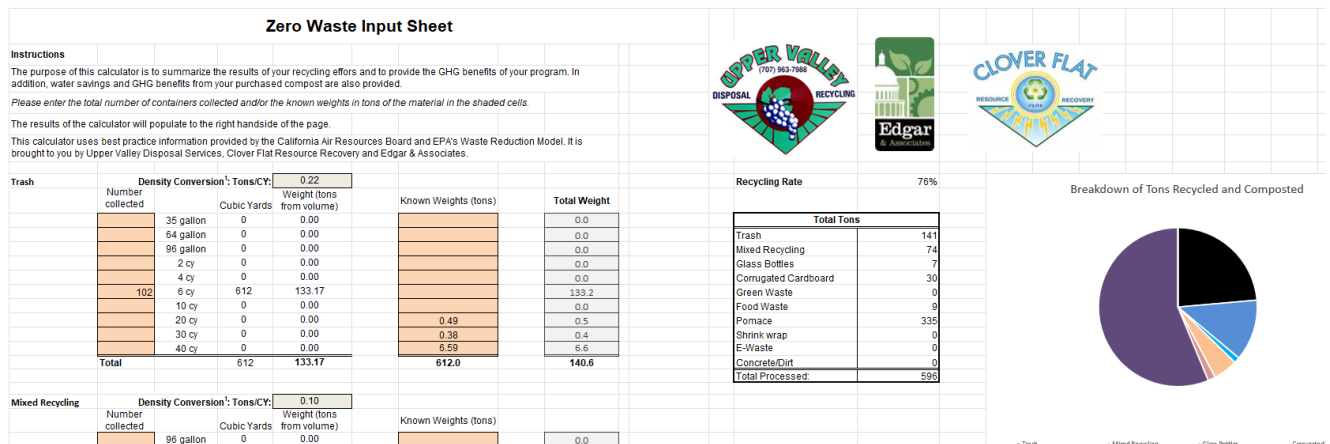
Outreach Services Offered

Trainings and site visits are available to all our commercial customers. Our trainings cover the three main waste streams—compost, recycling, and trash—and can be tailored to address specific materials upon request. For example, when working with a vineyard team, we focus on the items they handle daily and clarify where each one should be properly disposed of. Trainings are offered in both English and Spanish, and when needed, we schedule sessions on separate days to accommodate employee availability. All outreach materials are also provided in both languages to ensure accessibility for all staff. Site visits are available upon request and allow us to assess a business's indoor setup, observe how materials are currently collected, and recommend the level of service and container placement that best supports their operations. These visits help us identify practical solutions that align with each business's workflow and space.

In 2025, we also conducted several waste characterization audits for businesses. During these audits, we review the contents of each waste stream to determine whether materials were placed in the correct bin and adjust as needed. These hands-on trainings and audits have proven especially valuable, as employees gain a clearer understanding of how to sort the items they use every day.

Diversion Reports

In addition to the services outlined above, we also offer diversion reports to our commercial customers. These reports help businesses understand how much of their material is being successfully diverted from landfill and provide a clear snapshot of their overall waste-sorting performance. Diversion reports are available upon request and can be provided as a full annual summary or on a month-to-month basis, depending on the customer's needs. Many businesses use these reports to track progress toward sustainability goals, support internal education efforts, or meet reporting requirements. Below is an example of a diversion report.



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Events

In addition to providing staff trainings for businesses, we also participate in a variety of community events. These include presentations, farmers markets, tabling opportunities, and other outreach activities where we can engage directly with residents and businesses. We are also invited to attend events hosted by other organizations—such as Earth Day celebrations and wellness fairs—which allow us to connect with broader audiences and share information about proper sorting and available programs.

Community Events:

- St. Helena Farmers Markt
- Sunshine Market
- Yountville Shred-It Event
- Household Hazardous Waste Event (Spring & Fall) in collaboration with UVWMA
- St. Helena Harvest Festival
- CULTIVAR Presentation
- Calistoga Tractor Parade
- Bike Build
- UVDS Rodeo

Workshops/Wellness Fairs:

- Sutter Home Earth Day Event
- Opus One Wellness Fair
- Joseph Phelps Wellness Fair
- Calistoga Green Committee Workshop
- Boys & Girls Club of Angwin Workshop

Figure 5: Facebook

UVDS RESIDENTIAL CUSTOMERS:

Starting in July, UVDS & UVWMA staff will be conducting residential lid flips to ensure compliance with SB 1383.

We'll be checking for possible contaminants and using this opportunity to educate the community on proper waste segregation.

If you see us out and about, feel free to ask questions, we're here to help! If a cart is contaminated, we'll leave an Oops Tag with details on what was misplaced and how to correct it.



Join us in celebrating our dedicated drive... See more



Join us on April 26th, from 8am-1pm for... See more

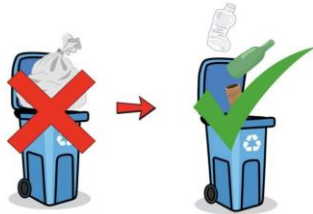


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RECYCLING REMINDER: NO BAGS IN THE RECYCLING

All recyclable items must be placed LOOSE in the blue recycling carts or bins. Bagged recyclables are landfilled. Plastic bags and other stretchy plastics are not recyclable and should be placed in your garbage cart. If you use bags to collect recyclables, please be sure to dump the items out of the bag and into the cart.

**Shredded paper in a clear bag is the only exception



Collecting your recyclables in a bag? Be sure to empty the contents and leave items loose and empty in your cart!



Upper Valley Disposal & Recycling

Posted by Eva Robledo
May 12, 2025 · 🌐

Stop By and Learn!

It's tabling season, and we're out in the community, ready to answer your composting and recycling questions! Find us at the St. Helena and Calistoga Farmers Markets and other local events!



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Customer Service

Throughout 2025, education and training continued within Customer Service to ensure our CSRs remained up to date on state laws, company policies, and program requirements so they could accurately support our customers. The company developed formal policies and procedures (P&Ps) along with auditing tools to support process improvement. All customer data entered in RMO is reviewed by the Customer Service Manager for accuracy and to identify where additional training may be beneficial. This review process helps us understand where customers may need more information and highlights opportunities for targeted outreach and education.

Throughout the year, we also strengthened collaboration between the Customer Service and Outreach teams to ensure clear communication regarding customer needs, recurring questions, and areas where additional resources or guidance would be helpful. Our Customer Service team continued to enhance new-start education by ensuring customers receive thorough guidance on proper cart placement, correct sorting practices, and the resources available to them.

Recycling Policy Enhancements and Stream Insights from 2025

In 2025, we implemented several important policy updates to our recycling stream. One key change was the removal of plastic bags from the recycling program—materials must now be placed loose in the cart or bin to improve processing and reduce contamination. We also expanded accepted materials by allowing paper cups, including coffee and soda cups, while lids and straws must still be placed in the trash. These updates were made possible because all mixed recycling collected by UVDS is processed at our sister company, C&S Waste Solutions in Ukiah, which has the capability to handle paper cup material. To support a smooth transition, our outreach team shared these updates at tabling events and training sessions, and distributed flyers to business staff to ensure customers clearly understood the new requirements.

In late 2025, we conducted a waste characterization study that provided a clearer understanding of the material composition within our recycling stream. The results showed that the majority of recyclables consisted of glass, cardboard, and mixed paper, with approximately 11% identified as residual trash. These findings offer valuable insight into customer sorting habits and help guide future outreach and education efforts to further strengthen recycling quality and overall diversion. The study also highlighted the need for continued customer education around plastics—specifically, which types are recyclable—so we can support more confident and accurate sorting.

Recyclable Markets (listing of markets and end use of materials)

REVIEW OF CALIFORNIA'S FIRST RECYCLING LAW: AB 939

California's landmark recycling law, AB 939, is nearly 30 years old. Convenient, low-cost curbside recycling programs currently serve the vast majority of residents in the state. UVDS offers single and multifamily residents and businesses recycling and organics services. Hundreds of millions of tons of waste have been diverted from landfills since the law's inception, conserving scarce natural resources and providing a host of other environmental benefits—including GHG emissions reductions—in the process. Along the way, an expensive and highly sophisticated network of recycling and composting facilities was developed by private industry—with critical assistance from local government—to handle and process that portion of the waste stream that was formerly disposed in landfills. All of that may soon change due to changes in the international commodity markets and lack of domestic markets.

GLOBAL AND LOCAL IMPACTS ON RECYCLING: CONTAMINATION AND COMMODITY VOLATILITY

In July, 2012, California established and passed a statewide goal to reach a 75% recycling rate and passed Mandatory Commercial Recycling legislation (AB 341). At the same time California was setting higher recycling goals to move more materials from landfills to recycling markets, China, a major market for recyclables in the United States, was passing stricter laws on imports of recycling materials. 'Operation Green Fence' was formally implemented in February 2013, enforcing a 2011 law, and was billed as an aggressive inspection effort aimed at curtailing the amount of contaminated recyclable bales and waste that was being sent to China. China has since implemented an even stricter law known as the National Sword (2017), that will further decrease the contamination rate for mixed paper and other plastics and metals to just 0.05%. Their decisions to significantly reduce the amount of contaminated materials they have been receiving has major implications for recycling operations.

UVDS & C&S Waste Solutions work diligently to vet all commodity vendors and to sell materials locally when possible (Table 3). All materials are sold to either secondary processors who further sort or separate the materials like mixed plastics and mixed papers, or to processors who convert the materials into feedstocks that are purchased from companies to make new products and consumer goods.

The mandates to remove more materials from the landfill and "wishful" recycling on the part of consumers are leading to more contaminants in the recycling stream and a decline in salvage values as more materials are moved to market. We learned from the SB 1383 route audits that the biggest area of concern is prohibited materials being placed in recycling containers, primarily flimsy plastics and Styrofoam type products.

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Table 2: Commodity Markets

Material	Market	Destination	Commodities
Cardboard and Mixed Paper	Export & Domestic	Georgia Pacific: Exported to Asia or recycled domestically	*Mixed paper *Newspaper *Cardboard (OCC)
Plastics	Export & Domestic	Mings Recycling: Exported to Mexico or recycled domestically	*PET (#1 plastic) *HDPE (#2 plastic)
Glass	Local	Halo or Strategic	*All bottles and jars
Metal	Local	Georgia Pacific & Radius recycling	*All metal

Table 3: Recycling Acronyms

Acronym	Meaning	Report Page	Product Example
OCC	Old Corrugated Cardboard	2	Amazon Boxes
RMP	Rigid Mixed Plastics	3	Plant containers
nHDPE	Natural High Density Polyethylene	4	Milk Jugs
cHDPE	Colored High Density Polyethylene	5	Laundry Detergent
PET	Polyethylene Terathalate	6	Water Bottles
PP	Polypropylene	7	Yogurt tubs
MRF	Materials Recovery Facility	11	

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Operational Information and Vehicle inventory

OPERATIONAL EFFICIENCY

Upper Valley Disposal Services continuously strives for operational improvements. Through our collaboration with the California Waste Connections team, we can stay current on the latest technologies, regulatory updates, and industry best practices. This shared expertise supports our efforts to enhance customer communication, improve route efficiency, and strengthen documentation and reporting processes. These advancements guide our investments in new technology and equipment, helping us modernize our fleet and streamline operations. Our overarching goal remains the same: to maintain high-quality service while keeping costs as low as possible.

Table 4: Collection Routes

Number of Routes by Service Day and Commodity	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Garbage	5	6	5	6	3	1
Mixed Recycling	3	4	4	6	4	1
Source Separated Cardboard	1	2	2	0	2	0
Sources Separated Glass	0	1	0	0	1	0
Organics	2	3	3	3	1	0
Food Waste	1	0	1	0	1	0
Container Delivery	2	2	2	2	2	0
Bulky Item Collection	1	1	1	1	1	0

DEDICATION TO SAFETY

In 2025 UVDS continued its safety-first culture with our commitment to the Waste Connections 5 core operating values.

1. Safety
2. Integrity
3. Customer service
4. Be a great place to work
5. Be the premier collections company

We have standard procedures in operations to ensure the safety of our employees and customers. The procedures are listed below:

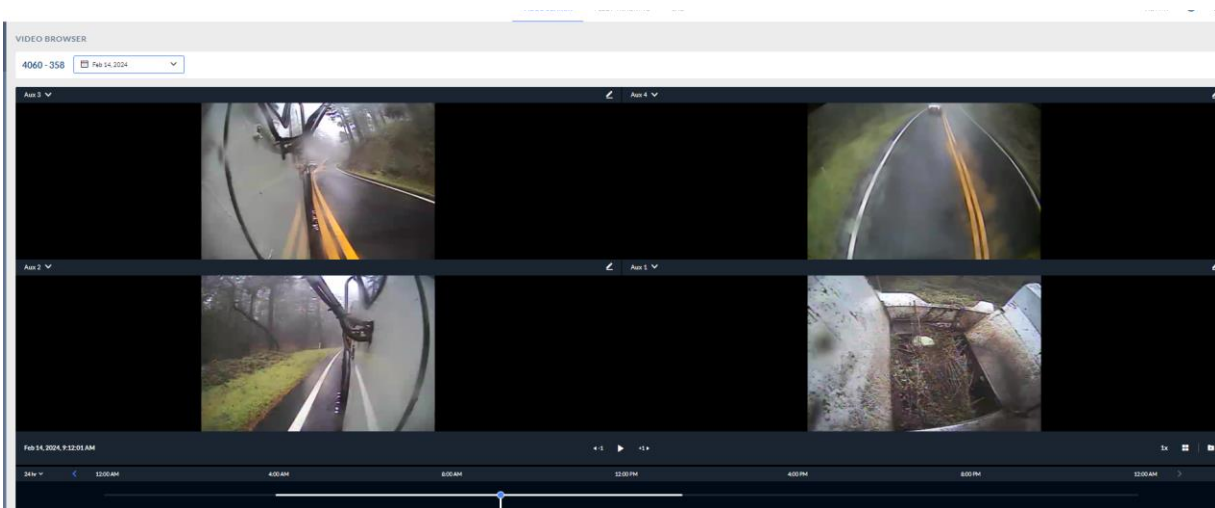
- Daily safety tailgates with all drivers
- Monthly safety trainings
- All drivers are Smith System trained for defensive driving and collision avoidance.
- Internal policies (always driving 5mph under the speed limit, zero-tolerance of headphones while operating vehicles, etc.)
- Weekly route observations and ride-alongs

JPA ANNUAL REPORT YEAR END 2025

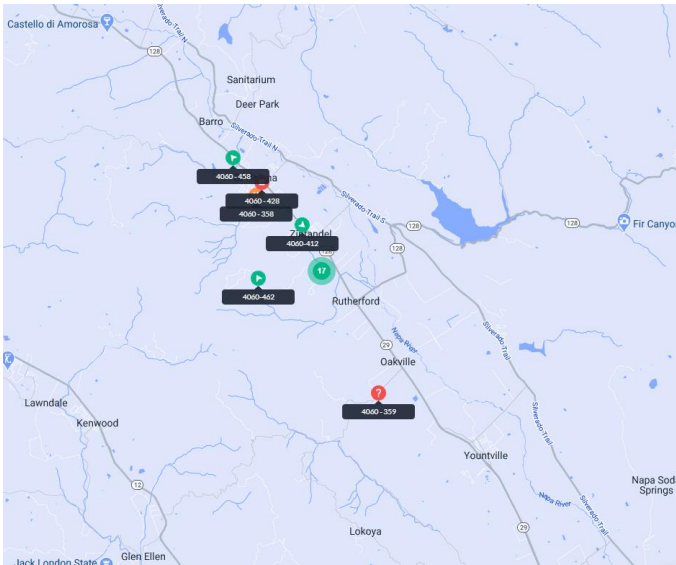
- Utilize drive cam to capture and coach risky driving behaviors, not just review post incidents.
- Incident Review Board – Made up of management supervisors and peers from each department to review all incidents for root cause and steps necessary to avoid in the future
- Safety Bonus Incentive Program for employees (Quarterly & Annually)

In addition to these changes, we have an active Safety & Compliance committee that meets monthly to review incidents and ensure that all safety procedures are followed and updated. Throughout 2025 we continued to utilize Drive Cam to identify and coach risky behaviors with our drivers and improve safety. All our vehicles operate with cameras and tablets on board. The video is captured in real time, 360-degree visibility to help improve driver behavior and overall safety.

UVDS were early adopters of onboard computers (tablets) used in collection vehicles. Tablets not only save paper as the need for printed route lists is eliminated, but they also save time for the drivers by making route changes easier to implement. They also improve communication by allowing real-time feedback to the operations and office staff on what is happening on the routes. This ultimately improves customer satisfaction and improves overall workflow efficiency. Tablets are also used to perform service audits on Commercial Collection routes to verify billing accuracy. Updated service data can then be loaded onto the tablets for daily use. The tablets also help to track contamination on the routes. The drivers can take pictures on the tablet as they are servicing the bins, and it is directly uploaded to the corresponding account. This helps customer service to be able to explain to customers the exact items that were placed in the wrong stream and offer better guidance. The drivers can also take pictures for overfull carts, wrong placement for bins/carts, if bins/carts are blocked, etc.



JPA ANNUAL REPORT YEAR END 2025



JPA ANNUAL REPORT YEAR END 2025

VEHICLE INVENTORY

UVDS has a variety of collection and facility vehicles (Table 15) used in its daily operations. Side loaders are used for the collection of carts. We have some small (mini) side loaders that are used on private property roads. In addition, we have two split body side loaders that can collect two commodities at once. We have received four new trucks in 2025, including two front loaders, an automated side loader mini, and a automated side loader that we will be rolling out in 2025. A complete inventory of our 2025 vehicles is available on page 22.

Table 5: Vehicle Inventory

Vehicle Type	Count of Vehicles
Automated Side Loader	5
Automated Side Loader Mini	1
Automated Side Loader Split Body	2
Box Van	1
Front End Loader	4
Fork Truck	2
Roll Off	5
Sweeper	1
Tractor	2
Trailer	1
Water Truck	1
Grand Total	29

JPA ANNUAL REPORT YEAR END 2025

#	Company	Co. In Use	Year	Make	Model	Type	VIN OR SERIAL NO.	License/D	Purchase Date	12/31/25	Rebuild Date/Miles	STATUS
360	UVDS	50%UVDS 50%UVR	2014	PETERBLT 3 AXLE CONVENTIONAL, MODEL 367	367	Tractor	1XP1DP9X8ED224857	9FD2415	7/1/2013	282,002	N/A	ACTIVE
388	UVDS	50%UVDS 50%UVR	2017	ELGIN BROOM BADGER SWEEPER - ON ROAD	BADGER	Sweeper	JALE5W/68J/301331	8BM495	7/1/2017	17,208	N/A	ACTIVE
400	UVDS	UVDS	2018	LABRE SPLIT BODY 24 YD	520	ASL Split	3BPDKJ9XJL161421	02156H2	7/1/2019	131,212	N/A	ACTIVE
402	UVDS	UVDS	2020	PETERBLT 567 DENTONINORCAL ROLL OFF	567	Roll Off	1NPCLJ0X9LD639004	0338BV2	6/1/2020	255,626	N/A	ACTIVE
407	UVDS	UVDS	2019	PETERBLT 520 LABRE RIGHT HAND HEAVY DUTY	520	ASL Split	3BPDKJ9X9KF106045	3721812	7/1/2019	140,457	N/A	ACTIVE
409	UVDS	UVDS	2018	3202 PETERBLT 520 42YD LABRE PACCAR MX11 ALLISON4500RDS	520	FEL	3BPDXKEX0JF161161	52009H2	7/1/2019	175,844	N/A	ACTIVE
412	UVDS	UVDS	2018	3314 PETERBLT 520 LABRE RIGHT HAND HEAVY DUTY	520	ASL	8BPDLK0X4JF161200	02128H2	7/1/2019	131,095	N/A	ACTIVE
417	UVDS	UVDS	2020	PETERBLT ROLL OFF	520	Roll Off	1NPGXPOX7LD693279	97362X2	7/1/2020	147,023	N/A	ACTIVE
423	UVDS	UVDS	2021	PETERBLT MODEL 337 Fork	337	Fork Truck	2NP2HJ67MM751481	33506D3	2/1/2021	97,569	N/A	ACTIVE
431	UVDS	UVDS	2021	CHEVY BOX VAN	4500HD	Box Van	JALCDW164M7005799	00246F3	5/27/2021	69,278	N/A	ACTIVE
434	UVDS	UVDS	2022	PETERBLT MODEL 337 Fork	337	Fork Truck	2NP2HJ679NM787285	64406G3	8/30/2021	40,005	N/A	ACTIVE
455	UVDS	UVDS	2023	PETERBLT 520 WITKE 42 YD.	520	FEL	3BPDKXEX2PF113393	40472N3	8/12/2022	102,553	N/A	ACTIVE
456	UVDS	UVDS	2023	PETERBLT 520 LABRE 31YD	520	ASL	3BPDKXEX9PF113391	28829P3	9/19/2022	53,777	N/A	ACTIVE
457	UVDS	UVDS	2023	PETERBLT 520 LABRE 31YD	520	ASL	3BPDKXEX9PF113392	31748P3	9/26/2022	53,626	N/A	ACTIVE
458	UVDS	UVDS	2023	PETERBLT 520 GALBREATH ROLL OFF	520	Roll Off	3BPDKXEX3PF113788	55386P3	10/3/2022	93,896	N/A	ACTIVE
459	UVDS	UVDS	2023	PETERBLT 520 GALBREATH ROLL OFF	520	Roll Off	3BPDKXEXXPF113786	00171R3	11/14/2022	66,509	N/A	ACTIVE
460	UVDS	UVDS	2023	PETERBLT 520 GALBREATH ROLL OFF	520	Roll Off	3BPDKXEX1PF113787	00175R3	11/14/2022	62,747	N/A	ACTIVE
461	UVDS	UVDS	2023	PETERBLT 567 TRACTOR	567	Tractor	1XPDDP9X8PD865316	9C81062	2/13/2023	42,853	N/A	ACTIVE
462	UVDS	UVDS	2023	FREIGHTLINER M2	M2-106	ASL Mini	1FVACXFE7PHUE617	68455R3	2/13/2023	77,899	N/A	ACTIVE
463	UVDS	UVDS	2024	PETERBLT 520 WITKE 42 YD.	520	FEL	3BPDKXEX9RF692445	53785Z3	1/23/2025	24,075	N/A	ACTIVE
464	UVDS	UVDS	2024	PETERBLT 520 WITKE 42 YD.	520	FEL	3BPDKXEX9RF692446	32991D4	1/23/2025	14,233	N/A	ACTIVE
465	UVDS	UVDS	2024	PETERBLT 520 LABRE 31YD. RIGHT HAND HEAVY DUTY	520	ASL	3BPDKXEX4RF118713	53784Z3	1/7/2025	14,305	N/A	ACTIVE
466	UVDS	UVDS	2024	FREIGHTLINER M2	M2-106	ASL Mini	3ALACXFE9XDVK1050	32995D4	4/1/2025	19,972	N/A	ACTIVE
467	UVDS	UVDS	2024	PETERBLT 520 LABRE 31YD. RIGHT HAND HEAVY DUTY	520	ASL	3BPDKXEX9RF118708	32996D4	4/1/2025	20,872	N/A	ACTIVE
468	UVDS	UVDS	2024	PETERBLT 520 LABRE 31YD. RIGHT HAND HEAVY DUTY	520	ASL	3BPDKXEX9RF118714	32994D4	4/1/2025	9,825	N/A	ACTIVE
469	UVDS	UVDS	2024	PETERBLT 520 LABRE 31YD. RIGHT HAND HEAVY DUTY	520	ASL	3BPDKXEXXRF118716	58730E4*	5/1/2025	5,140	N/A	ACTIVE
470	UVDS	UVDS	2024	LABRE SPLIT BODY 24 YD	520	ASL SB	3BPDKJ9X4SF735067	65166A4*	5/22/2025	9,990	N/A	ACTIVE
473	UVDS	UVDS	2024	FORD F-550	550	Box Van	1FDUF5G12SDA09710	65199E4*	7/23/2025	1,901	N/A	ACTIVE

JPA ANNUAL REPORT YEAR END 2025

Goals accomplished for 2025 and set for 2026

In keeping with our mission to conserve natural resources, UVDS will continue to strive to provide the highest level of collection and recovery service to our jurisdictions and customers in the most cost-effective manner. The following overarching goals were identified by the company for 2025. All goals were achieved or are ongoing.

- 1. Continue to focus on increasing organic diversion through ongoing outreach activities to decrease landfill waste.**
 - *Customers have steadily increased their services in organics bins and carts, with a decrease in garbage bins. We are continuing with our diversion outreach and recycling efforts through events, tabling, site visits and training. This is a continuous effort throughout 2026. We are enforcing our contamination procedures and are hoping to see significant changes.*
- 2. Increase electronic communications to allow customers to have real time relevant information.**
 - *We have continuously improved our communication with our customers. We have released a new app that customers are able to download to see what goes where, service days, and any important updates. Our customers also receive a welcome letter upon starting service that includes service information and instructions on how to create their online portal.*
- 3. Improve Contamination Tracking.**
 - *We are improving contamination tracking by increasing the consistency of driver reporting, using photo documentation to pinpoint issues, and centralizing this information so our team can quickly identify patterns and follow up with targeted outreach and corrective actions.*
- 4. Identifying Education Needs Through Waste Characterization**
 - *Through waste characterizations, we aim to understand what types of materials are still ending up in the landfill so we can identify the specific areas where customers need additional education and support.*
- 5. Safety**
 - *We are very proud of our safety improvements throughout 2025 and will continue to focus on safety improvements to coincide with waste connections standards. Safety continues to be our number one priority for both our employees and the community.*
- 6. Strengthening Early Outbound Collections to Reduce Non-Payment Suspensions**
 - *In 2025, UVDS enhanced its early outbound collections strategy by utilizing a combination of automated calls, emails, text messages, and personal calls, in addition to regular billing statements. These efforts resulted in a significant reduction in accounts suspended for non-payment. As a result, we also experienced fewer inbound customer inquiries related to billing questions and account reinstatements. This decrease reduced the need for escalated collection activities and external collection agency placements. We anticipate continued success with this approach in 2026.*

JPA ANNUAL REPORT YEAR END 2025

On behalf of the Team at Upper Valley Disposal & Recycling, we thank you for the opportunity to be your "Resource Hauler". We truly appreciate the trust you have placed in us, and we value the close working relationship we have developed over the years and look forward to a successful 2025.



Napa County

Board Agenda Letter

1195 THIRD STREET
SUITE 310
NAPA, CA 94559
www.napacounty.gov
Main: (707) 253-4580

Upper Valley Waste Management Agency (UVWMA)
File ID #: 26-911

Agenda Date: 4/20/2026

TO: Board of Directors
FROM: Steven Lederer - Manager, UVWMA
REPORT BY: Steven Lederer - Manager, UVWMA
SUBJECT: Waste Management Companies' Issues

RECOMMENDATION

WASTE MANAGEMENT COMPANIES' ISSUES

DISCUSSION ITEM: This is an opportunity for the franchisee(s) to discuss/raise any items of concern they may wish the UVA to consider.

BACKGROUND

None

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.



Napa County

Board Agenda Letter

1195 THIRD STREET
SUITE 310
NAPA, CA 94559
www.napacounty.gov
Main: (707) 253-4580

Upper Valley Waste Management Agency (UVWMA)
File ID #: 26-912

Agenda Date: 4/20/2026

TO: Board of Directors
FROM: Steven Lederer - Manager, UVWMA
REPORT BY: Steven Lederer - Manager, UVWMA
SUBJECT: Manager's Report

RECOMMENDATION

MANAGER'S REPORT

DISCUSSION AND POSSIBLE ACTION: Manager to provide an update on the status of current activities.

BACKGROUND

Monthly Financial Report: The most recent financial report is attached.

Discount Program for Economically Disadvantaged customers:

At a previous Board meeting the Board asked staff to investigate the possibility of implementing a discount program for economically disadvantaged customers. After reviewing several options, we recommend a program that mirrors the Low Income Financial Assistance program used in the City of Napa. The key elements include:

1. Residential accounts only, for those who have qualified for the PG&E CARE program. Key point here being that UVA/UVDS staff do not have to ask for or analyze financial data or make judgement decisions. The customer either is on the PG&E CARE and qualifies for our discount, or they don't.
2. Discount would be a flat amount of \$15/month (since UVDS bills quarterly, it would actually be \$45/quarter).
3. When an account is closed, the discount would cease (i.e. the next customer will not be able to inherit the discount unless they too qualify). A qualifying customer can get the discount at their new location.
4. The customer would have to recertify (present a current letter) every 3 years.
5. The company will keep track of the amount discounted and bill the Agency quarterly for the full amount of the discount. Agency shall reimburse the Company from Agency funds.
6. The City of Napa indicates that 5.8% of their customers participate. At roughly 5000 residential customers, if 6% participated, and each got \$15/month discount, the cost to the Agency would be about \$54,000/year.

Staff is available to answer any additional questions the Board may have. Based on the Board's input, staff could return at the June meeting with a more detailed proposal for adoption.

The City of Calistoga has reported they are ready to take their mandatory commercial service ordinance to their Council in May. Agency Counsel has reviewed the ordinance and found it to be acceptable. Agency staff will attend the Council meeting if requested by City staff. This should greatly reduce the theft of service issue that has been present in Calistoga for some time.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.



Statement of Revenues and Expenses Budget vs. Actual

Fiscal Year: 2026 Through Period: 12

Fund: 8200 - Upper Valley Waste Mgmt Auth

Object	Budget			Encumbrances	Actuals	Available Budget	% of Budget
	Adopted	Adjustments	Revised				
Intergovernmental Revenues							
43420 - ST - Dept of Conservation	25,000.00	-	25,000.00	-	16,611.73	8,388.27	66.45 %
43790 - ST - Other Funding	269,783.53	-	269,783.53	-	-	269,783.53	0.00 %
Total Intergovernmental Revenues	294,783.53	-	294,783.53	-	16,611.73	278,171.80	5.64%
Revenue from Use of Money and Property							
45100 - Interest	35,000.00	-	35,000.00	-	40,750.46	(5,750.46)	116.43 %
Total Revenue from Use of Money and	35,000.00	-	35,000.00	-	40,750.46	(5,750.46)	116.43%
Charges for Services							
46800 - Charges for Services	560,000.00	-	560,000.00	-	311,213.10	248,786.90	55.57 %
Total Charges for Services	560,000.00	-	560,000.00	-	311,213.10	248,786.90	55.57%
Services and Supplies							
52100 - Administration Services	265,000.00	-	265,000.00	-	176,580.70	88,419.30	66.63 %
52125 - Accounting/Auditing Services	20,000.00	-	20,000.00	-	4,832.00	15,168.00	24.16 %
52140 - Legal Services	50,000.00	-	50,000.00	35,337.00	14,663.00	-	100.00 %
52310 - Consulting Services	170,000.00	-	170,000.00	48,559.30	87,440.70	34,000.00	80.00 %
52330 - Hazardous Waste Disposal Svcs	75,000.00	-	75,000.00	31,851.54	41,415.26	1,733.20	97.69 %
52600 - Rents/Leases - Equipment	200.00	-	200.00	11.18	275.45	(86.63)	143.32 %
52700 - Insurance - Liability	4,970.00	-	4,970.00	-	2,437.50	2,532.50	49.04 %
52800 - Communications/Telephone	750.00	-	750.00	-	563.41	186.59	75.12 %
52810 - Advertising/Marketing	30,000.00	-	30,000.00	-	8,087.66	21,912.34	26.96 %
52820 - Printing and Binding	42,000.00	-	42,000.00	-	3,496.07	38,503.93	8.32 %
52830 - Publications and Legal Notices	1,500.00	-	1,500.00	-	-	1,500.00	0.00 %
52900 - Training/Conference Expenses	500.00	-	500.00	-	-	500.00	0.00 %
52905 - Business Travel/Mileage	500.00	-	500.00	-	-	500.00	0.00 %
53100 - Office Supplies	50.00	-	50.00	-	-	50.00	0.00 %
53110 - Freight/Postage	50.00	-	50.00	-	-	50.00	0.00 %
53400 - Minor Equipment/Small Tools	100.00	-	100.00	-	476.84	(376.84)	476.84 %
53600 - Special Department Expense	250,000.00	-	250,000.00	4,831.07	87,679.05	157,489.88	37.00 %

Total Services and Supplies	910,620.00	-	910,620.00	120,590.09	427,947.64	362,082.27	60.24%
Other Charges							
54805 - Community Grants	330,000.00	-	330,000.00	2,291.65	129,683.96	198,024.39	39.99 %
Total Other Charges	330,000.00	-	330,000.00	2,291.65	129,683.96	198,024.39	39.99%

33100 - Beginning Available Fund Balance					2,197,247.22		
Total Revenues	889,783.53		889,783.53		368,575.29	521,208.24	41.42 %
Total Expenditures	1,240,620.00		1,240,620.00	122,881.74	557,631.60	560,106.66	54.85 %
Net Surplus / (Deficit)	(350,836.47)	-	(350,836.47)		(189,056.31)		
33100 - Current Available Fund Balance					2,008,190.91		

From: [Lederer, Steven](#)
To: [Ramirez, Alice](#)
Subject: FW: Public Comment for 2/09/26 UVWMA -Upper Valley Waste Management Agency meeting -Napa County
Date: Friday, February 6, 2026 11:57:48 AM
Attachments: [WasteConnectionsLawsuits2023-24.png](#)
[WasteConnectionsLawsuits2024.png](#)
[Federal Complaint, DFEH, Civil Cover Sheet - Employee Lawsuit, Clover Flat, UVDS, Waste Connections, Christy Pestoni 10.2024 \(1\) \(1\) \(1\).pdf](#)

From: Geoff Ellsworth <Geoff@calulac.org>
Sent: Friday, February 6, 2026 11:47 AM
To: Alsop, Ryan <ryan.alsop@countyofnapa.org>; Lederer, Steven <Steven.Lederer@countyofnapa.org>; Cottrell, Anne <anne.cottrell@countyofnapa.org>
Cc: Assemblymember.Ortega@assembly.ca.gov; Jacob Sandoval <Jacob@calulac.org>; Robert Dresser <bobdresser2003@yahoo.com>
Subject: Public Comment for 2/09/26 UVWMA -Upper Valley Waste Management Agency meeting - Napa County

[External Email - Use Caution]

To Napa County CEO Ryan Alsop, UVWMA Director Steven Lederer, UVWMA Board/Staff, Napa County Supervisors
REGARDING THE UPPER VALLEY WASTE MANAGEMENT AGENCY JPA (JOINT POWERS AUTHORITY) UVWMA-JPA/Napa County

The sole charge of the UVWMA is the Upper Valley Disposal Service/Clover Flat Landfill, now owned by Waste Connections. The UVWMA -JPA member jurisdictions are: City of St. Helena, City of Calistoga, Town of Yountville, County of Napa.

Please acknowledge receipt of this email and please distribute to UVWMA Board and Staff and Napa County Supervisors at the earliest possible juncture before scheduled 1:30 PM, Feb. 9 2025 UVWMA Board Meeting listed on Napa County website.

This is Geoff Ellsworth, former mayor of St. Helena (2018-2022) in Napa County jurisdiction. I am also now Co-Chair of the Ca. LULAC (League of United Latin American Citizens) California Statewide Waste Workers Advocacy Committee.

Please provide remote/zoom style access to the Feb. 9, 1:30 UVWMA meeting. The meeting occurs at the Yountville Town Chambers where the Yountville Town Council meets and has all available technology to easily facilitate this transparency the public has a right to.

I have CC'd with their permission the office of Ca. Assemblymember Liz. Ortega - Chair of Ca Assembly Labor Committee and Ca. as well as the State Director of Ca. LULAC, Jacob Sandoval and Robert Dresser of Ca. LULAC.

Ca LULAC has been involved in building a Ca. Statewide Waste Worker Advocacy Coalition that has included communication with the offices of Ca. Assemblymember Liz Ortega (District 20, San Leandro) who is Chair of the Ca. Assembly Labor Committee as well as with the office of Assemblymember Pilar Schiavo (District 40 - Santa Clarita) where thousands of complaints and legal actions have been registered against Waste Connections (current owner of Upper Valley Disposal Service/Clover Flat Landfill in Napa County).

These legal actions include a lawsuit from the County of Los Angeles District Attorney (see links below and attachments).

Please note I have submitted these concerns and requests many, many times to the UVWMA under the Directorship of Steven Lederer over many years, **including for the remote access/Zoom style meetings that should accompany the large scale, long term, no-bid public contracts bequeathed to this waste company by the UVWMA.** The public who pay the salaries of Napa County employees/regulators like yourselves have a right to be informed of processes, decision making, and outcomes in such matters.

The concerns I reference include fires, toxic smokes, large scale contamination incidents, questionable infrastructure and lack of accountability to the community and primarily Latino workforce impacted by incidents at UVDS/Clover Flat Landfill.

The Napa County community and the Latino workers of Clover Flat Landfill are among the general public the UVWMA and its member jurisdictions (City of St. Helena, City of Calistoga, Town of Yountville, County of Napa) are mandated to protect with a commitment to public health and safety.

Note: The FBI investigation into UVDS/Clover Flat Landfill referenced by Director Lederer did not exonerate the company or the UVWMA and indicated an ability for the US Justice Dept. to return to the matter.

I will once again today provide an inventory of concerns for you to consider as custodians of the public trust with this company (Waste Connections/ Upper Valley Disposal Service/Clover flat Landfill) that holds significant public/government contracts and responsibility for those it serves under those contracts.

For the benefit of the public you serve the UVWMA should agendize and present a summary of the 2025 Napa County District Attorney Settlement with UVDS/Clover Flat Landfill/Waste Connections instead of just directing the community to go read it themselves.

This includes a \$6.6 million dollar settlement for environmental damages in Napa Valley from contamination incidents in 2018/2019, including leachate (garbage wastewater) spills, \$4 Million in Habitat Restoration, and \$1.1 Million in flood plain restoration. Unfortunately the settlement does not address impacts to the Latino workforce of UVDS/Clover Flat Landfill impacted by the incidents.

PLEASE ADDRESS THE ISSUES CONCERNING LACK OF TRANSPARENCY WE HAVE BROUGHT TO

YOUR ATTENTION FOR MANY YEARS, THESE INCLUDE:

- **Not Including critical Public Comment at the last 12.15. 2025 Upper Valley Waste Management Agency from Suscol InterTribal Council.**
- **Removing Microphones from meetings when all technology is in place at the Yountville Town Chamber**
- **Not offering video recording or virtual meeting capabilities that are provided at nearly every other county meeting.**
- **We have slipped backwards where Zoom used to be provided for UVWMA and it has been removed. We know from your budgets that you have more than ample funding and capability to provide this. As a Board it is your leadership that has led to this diminishment of public accessibility to their own government decision making processes.**
- **Non-updated UVWMA website has a 4 year gap in past agendas (nothing from 2022-2026)**

Providing a single thread audio recording of the UVWMA meetings with no ability to fast forward or rewind when all technology is available to provide full access visual and audio is yet another disservice to the public the UVWMA Board and Staff were either elected or hired to serve.

WASTE CONNECTIONS disregard for Public Comment and Public Service Advocacy Organization

A large number of Waste Connection staff attended only 15 minutes of the previous UVWMA meeting (**Dec. 12, 2025**) and then staged a rude walkout during **a presentation from Ca LULAC** regarding Latino Waste Worker fatalities and waste site public safety and environmental concerns, absenting themselves from listening to community comments or concerns. They contributed nothing and showed a complete disregard for the public and Ca LULAC, actions that do not translate to community partnership. Why were they there? Was it an attempt at intimidation?

WASTE CONNECTIONS LOS ANGELES COUNTY/SANTA CLARITA - CHIQUITA CANYON LANDFILL

What is occurring with Waste Connections related to Chiquita Canyon Landfill in Santa Clarita/Los Angeles County is informative to the situation in Napa County with Waste Connections ownership of UVDS /Clover Flat Landfill - in both regions Waste Connections operates on government contracts.

The Chiquita Canyon Landfill in Santa Clarita Ca./Los Angeles County, owned and operated by Waste Connections, has been dealing with sub-surface toxic burning and for at least 4 years prompting thousands of serious complaints and lawsuits from entire communities, including a lawsuit from the County of Los Angeles (see below) - despite thousands of complaints Waste Connections has not resolved the problems.

This is a Waste Today Article about the lawsuit filed by Los Angeles County against "CHIQUITA CANYON, LLC" "CHIQUITA CANYON, INC." and "WASTE CONNECTIONS US, INC."

<https://www.wastetodaymagazine.com/news/los-angeles-county-files-lawsuit-against-chiquita-canyon-landfill-operators/an-article>

Here is the LA County Lawsuit against Waste Connections

https://drive.google.com/file/d/1KvKUW3FkPxRKd49J9xnqJYXCdNn1w3j3/view?utm_name=

Through the Los Angeles County Courts portal, the attached screenshots are case numbers for claims against Waste Connections (see attached). These are just the first two pages, it says there are over 1000 cases/claims since 2021, including the mass torts.

This is the LA County court link to search

cases: <https://www.lacourt.ca.gov/paos/v2web3/CivillIndex>.
<https://www.lacourt.ca.gov/paos/v2web3/CivillIndex/Results>

REGARDING UVDS/CLOVER FLAT LANDFILL

In the last UVWMA meeting on Dec. 15, 2025 the Waste Connections regional manager and representative stated Upper Valley Disposal Service Whitehall Lane is NOT a Transfer Station However, the company submitted a request by Christy Pestoni that was processed **in May 2023 (see attached)** to have UVDS Whitehall Lane be a transfer station. On **Jan. .8.2024 (see attached)** UVWMA Director Steven Lederer signed paperwork with Waste Connections allowing it to be transfer station, **but without public process or input from community or neighbors.**

Closure Date - the goal post continues to move.

- Waste Connections said they would submit plans to the Local Enforcement Agency (Napa County Cal Recycle LEA) **early 2025** for closure of Clover Flat Landfill and that timeline was not met.
- The latest update was that closure of Clover Flat was to begin mid-2027 and take two years - meanwhile the landfill continues to operate with its inherent fire and contamination risks to workers, community and environment.
 - <https://www.pressdemocrat.com/2025/04/24/closure-of-troubled-napa-valley-landfill-likely-to-begin-in-2027/>

Employee Retention - Waste Connections claimed in earlier meetings they would retain all of their employees when they were purchasing the company.

TIMELINE

- 2.2023 Waste Connections purchases Clover Flat Landfill and Upper Valley Disposal

- 11.2023 Employees file complaints with state and federal agencies
- 3.8.2024 - 12 employees laid off/terminated at Upper Valley Disposal Service/ **all of Latino background** - bringing up questions of potential retaliation
- 8.2024 FBI visits UVDS Whitehall Lane & the Pestoni home
- 11.2024 UVDS Employees file a lawsuit

I would encourage the UVWMA Board, Supervisors and Staff to read the bolded headings in the attached employee lawsuit against UVDS/Clover Flat Landfill/Waste Connections (see attached) - it only takes about ten minutes to understand the significant abuses of a minority workforce in the modern United States claimed by the workers, and the public health/safety and environmental concerns indicated by the claims.

Geoff Ellsworth

Co-Chair

CA LULAC Waste Workers Advocacy Committee

323-691-9621

CALulac.org



The following list might contain records of different people/companies with the same name, and it may not contain records of the person/entity for whom you are searching.

Search performed on: 1/9/2026 5:54 AM

Company Name: Waste Connections

Click on the case number to view further case information.

[New Search](#)[Print This Page](#)

Civil Name Search For "Waste Connections" From 1/1/2021 Up To 1/8/2025

1115 results found.

Case Number	Filing Date	Case Type	Name	Location	Available Docs
23CHCV00187	1/23/2023	Motor Vehicle - Personal Injury/Property Damage/Wrongful Death (U	WASTE CONNECTIONS INC.	Chatsworth Courthouse	7
24CHCV00061	1/8/2024	Other Personal Injury/Property Damage/Wrongful Death (Unlimited)	WASTE CONNECTIONS MANAGEMENT SERVICES	Spring Street Courthouse	168
24CHCV01058	3/26/2024	Claims Involving Mass Tort (Unlimited)	WASTE CONNECTIONS MANAGEMENT SERVICES	Spring Street Courthouse	6
24CHCV01062	3/26/2024	Claims Involving Mass Tort (Unlimited)	WASTE CONNECTIONS MANAGEMENT SERVICES	Spring Street Courthouse	6
24CHCV00061	1/8/2024	Other Personal Injury/Property Damage/Wrongful Death (Unlimited)	WASTE CONNECTIONS MANAGEMENT SERVICES INC	Spring Street Courthouse	168
24CHCV00717	3/6/2024	Other Personal Injury/Property Damage/Wrongful Death (Unlimited)	WASTE CONNECTIONS MANAGEMENT SERVICES INC	Spring Street Courthouse	8
24CHCV00775	3/11/2024	Claims Involving Mass Tort (Unlimited)	WASTE CONNECTIONS MANAGEMENT SERVICES INC	Spring Street Courthouse	6

24CHCV00775	3/11/2024	Claims Involving Mass Tort (Unlimited)	WASTE CONNECTIONS MANAGEMENT SERVICES INC	Spring Street Courthouse	6
24CHCV00923	3/19/2024	Claims Involving Mass Tort (Unlimited)	WASTE CONNECTIONS MANAGEMENT SERVICES INC	Spring Street Courthouse	7
24CHCV00981	3/20/2024	Claims Involving Mass Tort (Unlimited)	WASTE CONNECTIONS MANAGEMENT SERVICES INC	Spring Street Courthouse	6
24CHCV01105	3/28/2024	Claims Involving Mass Tort (Unlimited)	WASTE CONNECTIONS MANAGEMENT SERVICES INC	Spring Street Courthouse	7
24CHCV01504	4/23/2024	Claims Involving Mass Tort (Unlimited)	WASTE CONNECTIONS MANAGEMENT SERVICES INC	Spring Street Courthouse	7
23STCV20524	8/25/2023	Toxic Tort/Environmental (Unlimited)	WASTE CONNECTIONS MANAGEMENT SERVICES INC.	Spring Street Courthouse	24
24CHCV00061	1/8/2024	Other Personal Injury/Property Damage/Wrongful Death (Unlimited)	WASTE CONNECTIONS MANAGEMENT SERVICES INC.	Spring Street Courthouse	168
24CHCV00642	3/4/2024	Other Personal Injury/Property Damage/Wrongful Death (Unlimited)	WASTE CONNECTIONS MANAGEMENT SERVICES INC.	Spring Street Courthouse	8
24CHCV00643	3/4/2024	Other Personal Injury/Property Damage/Wrongful Death (Unlimited)	WASTE CONNECTIONS MANAGEMENT SERVICES INC.	Spring Street Courthouse	8
24CHCV00645	3/1/2024	Other Personal Injury/Property Damage/Wrongful Death (Unlimited)	WASTE CONNECTIONS MANAGEMENT SERVICES INC.	Spring Street Courthouse	8
24CHCV00647	3/4/2024	Other Personal Injury/Property Damage/Wrongful Death (Unlimited)	WASTE CONNECTIONS MANAGEMENT SERVICES INC.	Spring Street Courthouse	8
24CHCV00652	3/4/2024	Other Personal Injury/Property Damage/Wrongful Death (Unlimited)	WASTE CONNECTIONS MANAGEMENT SERVICES INC.	Spring Street Courthouse	8
24CHCV00653	3/4/2024	Other Personal Injury/Property Damage/Wrongful Death (Unlimited)	WASTE CONNECTIONS MANAGEMENT SERVICES INC.	Spring Street Courthouse	8
24CHCV00656	3/4/2024	Other Personal Injury/Property Damage/Wrongful Death (Unlimited)	WASTE CONNECTIONS MANAGEMENT SERVICES INC.	Spring Street Courthouse	8
24CHCV00657	3/4/2024	Other Personal Injury/Property Damage/Wrongful Death (Unlimited)	WASTE CONNECTIONS MANAGEMENT SERVICES INC.	Spring Street Courthouse	8

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Attorneys for Plaintiffs

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JUAN MANUEL CARRILLO, ET.AL.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT**

GARY HERNANDEZ, an individual, JUAN

CARRILLO SR., an individual,
FRANCISCO BAUTISTA, an individual,
LUSIANO MORALES, an individual,
RICKY HERNANDEZ, an individual,
JOISE MENDEZ AVENDANO, an
individual, ROMUALDO GUZMAN, an
individual, JOSE LOPEZ GUZMAN, an
individual, EFRAIN INDA VERDIN, an
individual, POMILIO JACINTO
ALTAMIRANO REYES, an individual,
PEDRO REYES, an individual, JUAN
PABLO CARILLO PADILLA, an
individual, ELIAS HERNANDEZ, an
individual, ARMANDO REYES, an
individual, JUAN CARRILLO DE LA LUZ
an individual,

Plaintiffs,

vs.

CLOVER FLAT LAND FILL INC., a
California Corporation, UPPER VALLEY
RECYCLING, INC., a California
Corporation; UPPER VALLEY DISPOSAL
SERVICE; a California Corporation; UPPER
VALLEY DISPOSAL HOLDINGS, INC.; a
Delaware Corporation; VISTA
CORPORATION, a California Corporation;
WHITEHALL CORPORATION, a
California Corporation; WASTE
CONNECTIONS US, INC., a Delaware
Corporation; WASTE CONNECTIONS OF
CALIFORNIA INC., a California
Corporation; WASTE CONNECTIONS
MANAGEMENT SERVICES, INC., a
Delaware Corporation; PESTONI
ENTERPRISES LLC, California Limited
Liability Company; UVA VINEYARD
MANAGEMENT LLC, a California Limited
Liability Company; CHRISTINA PESTONI,
an individual; and DOES 1 to 50, inclusive,

Case No.:

COMPLAINT FOR DAMAGES:

- 1. VIOLATION OF THE CIVIL RIGHTS ACT OF 1866 & 42 U.S.C. 1983**
- 2. DISCRIMINATION AND RETALIATION IN VIOLATION OF THE FAMILY AND MEDICAL LEAVE ACT 29 U.S.C. § 2615**
- 3. VIOLATION OF LAB. CODE § 1102.5**
- 4. VIOLATION OF LABOR CODE § 244 - IMMIGRATION RELATED THREATS**
- 5. RETALIATION FOR REPORTING EMERGENCY CONDITION IN VIOLATION OF CAL. LABOR CODE § 1139**
- 6. DENIAL OF AND DISCRIMINATION BASED UPON THE USE OF SICK LEAVE**
- 7. RACE AND NATIONAL ORIGIN DISCRIMINATION**
- 8. HARASSMENT**
- 9. DISABILITY DISCRIMINATION**
- 10. FAILURE TO ACCOMMODATE**
- 11. FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS**
- 12. CALIFORNIA FAMILY RIGHTS ACT RETALIATION**
- 13. ASSOCIATIONAL DISCRIMINATION**
- 14. FEHA RETALIATION**
- 15. FAILURE TO PREVENT DISCRIMINATION, HARASSMENT, AND RETALIATION**
- 16. VIOLATION OF LABOR CODE § 246.5**
- 17. VIOLATION OF LAB. CODE § 6310**
- 18. VIOLATION OF LAB. CODE § 6311**
- 19. VIOLATION OF LAB. CODE § 6399.7**
- 20. VIOLATION OF LABOR CODE § 232.5**
- 21. VIOLATION OF LABOR CODE SECTION 98.6**
- 22. WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**
- 23. FAILURE TO PAY MINIMUM OR**

Defendants.

- CONTRACTUAL WAGES**
- 24. FAILURE TO PAY OVERTIME WAGES**
- 25. FAILURE TO PAY MEAL BREAKS**
- 26. FAILURE TO PROVIDE ACCURATE WAGE STATEMENTS**
- 27. FAILURE TO PAY WAGES UPON DISCHARGE**
- 28. VIOLATION OF LABOR CODE § 1197.5 - UNEQUAL PAY BASED ON RACE**
- 29. VIOLATION OF BUSINESS & PROFESSIONS CODE § 17200 ET SEQ.**
- 30. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
- 31. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

DEMAND FOR JURY TRIAL

Plaintiffs GARY HERNANDEZ, JUAN MANUEL CARRILLO SR., FRANCISCO BAUTISTA, LUSIANO MORALES, RICKY HERNANDEZ, JOISE MENDEZ AVENDANO, ROMUALDO GUZMAN, JUAN CARRILLO DE LA LUZ, JOSE LOPEZ GUZMAN, EFRAIN INDA VERDIN, JUAN PABLO CARILLO PADILLA, POMILIO JACINTO ALTAMIRANO REYES, PEDRO REYES, ARMANDO REYES, ELIAS HERNANDEZ (collectively “Plaintiffs”) complain of Defendants CLOVER FLAT LAND FILL INC., UPPER VALLEY RECYCLING, INC., UPPER VALLEY DISPOSAL SERVICE, UPPER VALLEY DISPOSAL HOLDINGS, INC., VISTA CORPORATION, WHITEHALL CORPORATION, WASTE CONNECTIONS US, INC., WASTE CONNECTIONS OF CALIFORNIA INC., WASTE CONNECTIONS MANAGEMENT SERVICES, INC., PESTONI ENTERPRISES LLC, UVA VINEYARD MANAGEMENT LLC, CHRISTINA PESTONI, and DOES 1-50 (collectively “Defendants”) as follows:

INTRODUCTION

This lawsuit stems from years of abuse of the Defendants’ nearly all-Latino workforce.

PARTIES

1. At all times mentioned herein, Plaintiff GARY HERNANDEZ is and was an individual over the age of 18 years old and a resident of California.

2. At all times mentioned herein, Plaintiff JOISE MENDEZ AVENDANO is and was an individual over the age of 18 years old and a resident of California.

3. At all times mentioned herein, Plaintiff JUAN MANUEL CARRILLO SR. is and was an individual over the age of 18 years old and a resident of California.

4. At all times mentioned herein, Plaintiff FRANCISCO BAUTISTA is and was an individual over the age of 18 years old and a resident of California.

5. At all times mentioned herein, Plaintiff LUSIANO MORALES is and was an individual over the age of 18 years old and a resident of California.

6. At all times mentioned herein, Plaintiff RICKY HERNANDEZ is and was an individual over the age of 18 years old and a resident of California.

7. At all times mentioned herein, Plaintiff POMILIO JACINTO ALTAMIRANO REYES is and was an individual over the age of 18 years old and a resident of California.

8. At all times mentioned herein, Plaintiff JOSE LOPEZ GUZMAN is and was an individual over the age of 18 years old and a resident of California.

9. At all times mentioned herein, Plaintiff PEDRO REYES is and was an individual over the age of 18 years old and a resident of California.

10. At all times mentioned herein, Plaintiff JUAN PABLO CARILLO PADILLA is and was an individual over the age of 18 years old and a resident of California.

11. At all times mentioned herein, Plaintiff EFRAIN INDA VERDIN is and was an individual over the age of 18 years old and a resident of California.

12. At all times mentioned herein, Plaintiff ELIAS HERNANDEZ is and was an individual over the age of 18 years old and a resident of California.

13. At all times mentioned herein, Plaintiff ARMANDO REYES is and was an individual over the age of 18 years old and a resident of California.

14. At all times mentioned herein, Plaintiff JUAN CARRILLO DE LA LUZ is and

1 was an individual over the age of 18 years old and a resident of California.

2 15. At all times mentioned herein, Plaintiff ROMUALDO GUZMAN is and was an
3 individual over the age of 18 years old and a resident of California.

4 16. Defendant CLOVER FLAT LAND FILL INC. is a California Corporation that
5 conducts business at various locations, including but not limited to, the 1285 Whitehall Ln, Saint
6 Helena, California 94574 location.

7 17. Defendant UPPER VALLEY RECYCLING, INC. is a California corporation
8 company that conducts business at various locations, including but not limited to, the 1285
9 Whitehall Ln., Saint Helena, California 94574 location.

10 18. Defendant UPPER VALLEY DISPOSAL SERVICE is a California corporation
11 that conducts business at various locations, including but not limited to, the 1285 Whitehall Ln.,
12 Saint Helena, California 94574 location.

13 19. Defendant UPPER VALLEY DISPOSAL HOLDINGS, INC. is a Delaware
14 corporation that conducts business at various locations, including but not limited to, the 1285
15 Whitehall Ln., Saint Helena, California 94574 location.

16 20. Defendant VISTA CORPORATION is a California corporation that conducts
17 business at various locations, including but not limited to, the store located at 1285 Whitehall
18 Ln., Saint Helena, California 94574 location.

19 21. Defendant WHITEHALL CORPORATION is a California corporation that
20 conducts business at various locations, including but not limited to, the 1285 Whitehall Ln, Saint
21 Helena, California 94574 location.

22 22. Defendant WASTE CONNECTIONS US, INC. is a Delaware corporation that
23 conducts business at various locations, including but not limited to, the 1285 Whitehall Ln, Saint
24 Helena, California 94574 location.

25 23. Defendant WASTE CONNECTIONS OF CALIFORNIA, INC. is a California
26 corporation that conducts business at various locations, including but not limited to, the 1285
27 Whitehall Ln., Saint Helena, California 94574 location.

28 24. Defendant WASTE CONNECTIONS MANAGEMENT SERVICES, INC. is a

1 Delaware corporation that conducts business at various locations, including but not limited to,
2 the 1285 Whitehall Ln., Saint Helena, California 94574 location.

3 25. Defendant PESTONI ENTERPRISES LLC is a California limited liability
4 company that conducts business at various locations, including but not limited to, the 1285
5 Whitehall Ln, Saint Helena, California 94574 location.

6 26. Defendant UVA VINEYARD MANAGEMENT LLC is a California limited
7 liability company that conducts business at various locations, including but not limited to, the
8 winery at 1673 Saint Helena Highway S., Saint Helena, California 94574.

9 27. Defendant CHRISTINA PESTONI (“CHRISTINA”) is and was an individual
10 over the age of 18 years old and a resident of the State of California and was always relevant
11 hereto an employee of Defendants Clover Flat Land Fill Inc., Upper Valley Recycling, Inc., and
12 Waste Connections, Inc.

13 28. Plaintiffs are presently unaware of the true names and capacities, whether
14 individual, associate, corporate, or otherwise of Defendants DOES 1 through 50, or any of them,
15 and therefore sues such Defendants by such fictitious names. Plaintiffs will seek leave to amend
16 this Complaint to show the true names and capacities of such fictitiously named Defendants
17 when the same have been ascertained. Plaintiffs are informed and believe and thereon allege that
18 each of the Defendants designated herein as a DOE is legally responsible in some manner for the
19 acts, omissions, and events alleged herein, and have proximately caused damages and injury to
20 Plaintiffs as herein alleged.

21 29. The California Legislature has recently amended the California Labor Code
22 adding section 558.1, which expressly defines “employer or other person acting on behalf of an
23 employer” to include a “natural person who is an owner, director, officer, or managing agent of
24 the employer.” As result, an employee is allowed to bring wage and hour claims against the
25 corporate owners, directors, officers, or managing agents (e.g., department supervisors, payroll
26 managers, human resources managers, other employees with the authority to transact on behalf
27 of the business) who violate or cause to be violated various wage and hour laws in the Labor
28 Code and name them as individual Defendants in a lawsuit.

1 30. At all times herein, each Defendant was the employee, agent, and servant of each
2 other Defendants and in doing the things herein alleged, was acting within the course and scope
3 of their authority as such, and with consent of each other Defendant.

4 31. Plaintiffs are informed and believe and thereon allege that each of the fictitiously
5 named Defendants is in breach of some contract or is tortiously or otherwise legally responsible
6 in some manner for the occurrences alleged in this Complaint and for Plaintiffs' damages.

7 32. Plaintiffs are informed and believe and thereon allege, that at all times relevant
8 hereto, Defendants, and each of them, were the agents, employees, managing agents,
9 supervisors, coconspirators, parent corporation, joint employers, alter ego, and/or joint ventures
10 of the other Defendants, and each of them, and in doing the things alleged herein, were acting at
11 least in part within the course and scope of said agency, employment, conspiracy, joint
12 employer, alter ego status, and/or joint venture and with the permission and consent of each of
13 the other Defendants.

14 33. Plaintiffs are informed and believe, and thereon allege, that there exists, and at all
15 times herein mentioned, there existed, a unity of interest and ownership between Defendants that
16 any individuality and separateness between said entities, have ceased, and said entities, and each
17 of them, are, and at all times herein mentioned were the alter ego of the other.

18 34. Plaintiffs are informed and believe and thereon allege, that Defendants, and each
19 of them, acted in concert with one another to commit the wrongful acts alleged herein, and aided,
20 abetted, incited, compelled and/or coerced one another in the wrongful acts alleged herein,
21 and/or attempted to do so. Plaintiffs are further informed and believes, and based thereupon
22 alleges, that Defendants, and each of them, formed and executed a conspiracy or common plan
23 that they would commit the unlawful acts alleged herein, with all such acts alleged herein done
24 as part of and pursuant to said conspiracy, intended to cause and in fact caused Plaintiffs' harm.

25 35. Plaintiffs are informed and believe and hereupon allege that at all relevant times
26 Defendants and each of them, were Plaintiffs' employers under California law, and that
27 Defendants each did acts consistent with the employer-employee relationship with Plaintiffs.

28 36. Whenever and wherever reference is made in this Complaint to any act or failure

to act by a Defendant or co-Defendant, such allegations and references shall also be deemed to mean the acts and/or failures to act by each Defendant acting individually, jointly, and severally.

JURISDICTION

37. This action is based on Plaintiffs' claims of employment discrimination, retaliation, and wage violations, against Defendants, which arise under the Civil Rights Act of 1866 (42 U.S.C. § 1981), the Family and Medical Leave Act of 1993 (29 U.S.C. § 2601 et seq.) (FMLA), the California Fair Employment and Housing Act (Cal. Govt. Code §§ 12900, et seq.)(FEHA), the California Family Rights Act (CFRA), and various California Labor Code violations. This court has jurisdiction over Plaintiffs' federal claims pursuant to 28 U.S.C. § 1331 and, 28 U.S.C. § 1343 (a)(4).

38. This court also has supplemental jurisdiction over Plaintiffs' related state law claims under 28 U.S.C. § 1367. Plaintiffs' state law claims arise from the same common nucleus of operative facts as the underlying federal claims. Resolving all state and federal claims in a single action serves the interests of judicial economy, convenience, and fairness to all parties.

39. This action is filed in this judicial district because the Defendants conduct business in the County of Napa and the amount of damages sought are within the jurisdiction of this Court.

40. This Court has jurisdiction over Plaintiffs' claims for restitution of unpaid wages and other ill-gotten benefits arising from Defendants' unlawful and/or unfair business practices under Business & Professions Code section 17200, et seq.

41. Plaintiffs received their right-to-sue letters from the Department of Civil Rights within the time permitted by statute and have thus exhausted their administrative remedies. Attached as **Exhibit A** are true and correct copies of Plaintiffs' Right to Sue Letters. Therefore, Plaintiffs may proceed with this lawsuit.

GENERAL ALLEGATIONS

BACKGROUND

42. Defendant UPPER VALLEY DISPOSAL SERVICE ("UVDS") is a solid waste collection, recycling, and disposal company, that operates various facilities located within the

County of Napa, California, as well as other locations. UVDS manages and operates the Upper Valley Recycling and Compost site located at 1285 Whitehall Lane, in the City of St. Helena, California (“Whitehall Lane Facility.”)

43. According to Defendant UVDS’s website, UVDS was granted its first franchise agreement to dispose of garbage in the Whitehall Lane Facility in 1963. At the time, the Pestoni family, headed by family patriarch Bob Pestoni, father of individual Defendant CHRISTINA PESTONI, owned the Whitehall Lane Facility. The Pestoni family also owned the Pestoni Family Vineyards located next door to the Whitehall Lane Facility. In 1966, the Pestoni family company began to recycle winery waste materials and then processed the grape pomace for compost at their Whitehall Lane Facility, which it then sold to the public. Throughout the years since it opened, UVDS continued to provide garbage disposal and composting services until it sold its operations on or about late 2023 to Defendant WASTE CONNECTIONS, a company that operates approximately 100 domestic landfills.

44. Defendant CLOVER FLAT LAND FILL INC. owns and operates Clover Flat Resource Recovery Park and Landfill located at 4380 Silverado Trail North, in the City of Calistoga, California (“Clover Flat Facility.”) For decades, the Clover Flat Facility was and is permitted to operate as a non-hazardous waste disposal site. Like the Whitehall Lane Facility, the Clover Flat Facility was also owned and operated by the Pestoni family before being sold to Defendant Waste Connections, which now runs the landfill under its larger corporate umbrella.

45. When owned by the Pestoni family, Clover Flat Facility and Vista Corporation were wholly owned subsidiaries of Whitehall Corporation. Vista Corporation owns and leases 180 acres to Clover Flat Facility, including the 78 acres of permitted landfill area. Vista Corporation also owns landfill equipment that converts the landfill gas into electricity, which is then delivered and sold to Pacific Gas & Electric.

46. Whitehall Corporation also had two additional wholly owned subsidiaries, UVDS and Upper Valley Recycling, Inc. (which processes, sorts, and sells recyclable material and compost.) Additionally, Whitehall Corporation is affiliated with the following companies through common ownership: Pestoni Brothers, LLC; Pestoni Leasing, Inc.; Pestoni Ranch, LLC;

Quackenbush Mountain Resource and Recovery Compost Facility, LLC; Pestoni Family Estate Winery (formerly Rutherford Grove Winery); South Lake Refuse and Recycling, LLC; Deerpond, Inc.; and Pestoni Enterprises LLC. The principal stockholders of Whitehall Corporation are Robert Pestoni, deceased, (90%) and Linda Pestoni-Sereni (10%).

47. Defendants' Clover Flat Facility generates up to \$1.36 million in revenue annually, which excludes significant revenue from collecting and processing fire debris caused by wildfires near Napa County. Under a franchise agreement, the Clover Flat Facility receives and processes waste and recyclable products generated in the UVDS service area. The agreement restricts inbound disposal and recycling tonnage into the landfill at 600 tons per day (up to 30 tons per day may come from outside Napa County).

48. Between 1987 and 2023, Defendants hired Plaintiffs as Drivers, Heavy Equipment Operators, Leads, General Laborers, and Sorters to generally assist in various aspects of the waste disposal process at their Whitehall Lane and Clover Flat facilities. The Drivers' duties included, but were not limited to, driving to commercial or private customer locations, picking up the trash at either commercial or private locations, and then driving it to the designated processing facility, usually Whitehall Lane or Clover Flat. The Heavy Equipment Operators' duties included, but were not limited to, operating bulldozers, excavators, front-end loaders, and other heavy machinery, as well as continuously monitoring the waste processing operations, amongst other work duties. The Laborer/Sorters' duties included, but were not limited to, controlling the traffic of waste collection vehicles for safety and waste disposal purposes; sorting the trash between regular trash, recyclables, green waste, and hazardous waste; and preparing the waste for recycling or for final disposal. The Leads duties included, but were not limited to, supervising the Drivers, Operators and Laborers that reported to them. At all times, Plaintiffs performed their jobs with diligence and professionalism.

**DEFENDANTS POLLUTE THE NAPA RIVER AND SURROUNDING WINE-
PRODUCING AREAS WITH TOXIC LEACHATE CREATED BY ITS GARBAGE-
PROCESSING OPERATIONS**

49. Defendants' Clover Flat Facility is located adjacent to two tributaries of the Napa

1 River. Similarly, the Defendants' Whitehall Lane Facility is located near a tributary to the Napa
 2 River and near the Napa River itself. Because landfills and garbage processing facilities like
 3 Defendants' Clover Flat and Whitehall Lane Facilities are repositories for a heterogeneous
 4 mixture of liquid and solid waste from residential, industrial, and commercial sources, they
 5 produce landfill "leachate"—a liquid wastewater product inherent to waste processing that
 6 contains a diverse mixture of often extremely toxic chemicals when rain or other water filters
 7 through the waste buried in the landfill. Landfill leachate typically contains nitrates, and heavy
 8 metals such as chromium, arsenic, iron, zinc, among other very toxic contaminants. Landfill
 9 leachate also contains bacteria and various pathogenic microbes.

10 50. At Defendants' Clover Flat Facility, this untreated leachate was a byproduct of its
 11 general garbage and waste processing operations in the landfill. At the Whitehall Lane Facility,
 12 the leachate was caused by toxic waste liquids from recycling and the grease and oils used during
 13 the maintenance of Defendants' fleet of garbage trucks they kept at the facility. Similarly,
 14 Defendants also created toxic wastewater through its practice of heavily dosing the waste pond
 15 located at their Whitehall Lane Facility with toxic chemicals to reduce noxious smells created by
 16 the facility's waste processing operations that neighbors and other community members had
 17 complained about for decades.

18 51. Because of the toxic nature of landfill leachate, government regulations mandate
 19 that Defendants transport leachate to an offsite wastewater treatment facility to undergo
 20 extensive and costly treatment to detoxify the leachate before proper and safe disposal.

21 52. As collectors and processors of garbage, Defendants were required to comply
 22 with applicable health, safety, and environmental laws and regulations regarding the safe and
 23 appropriate handling and disposal of landfill leachate and other wastewater. These regulations
 24 included, but were not limited to, those laws and regulations promulgated and enforced by the
 25 U.S. Environmental Protective Agency ("EPA"), the California Environmental Protection
 26 Agency ("CalEPA"), the Department of Resources Recycling and Recovery ("CalRecycle"),
 27 California Department of Toxic Substances Control ("DTSC"), the California Department of
 28 Fish and Wildlife, and other relevant government entities.

53. Throughout Plaintiffs' employment with Defendants, Defendants engaged in an illegal pattern and practice of improperly and illegally disposing of untreated leachate and other toxic wastewater into the environment in violation of applicable health, safety, and environmental laws and regulations to cut costs and increase profits. Specifically, for decades Defendants illegally disposed of the toxic landfill leachate and wastewater by diverting it to the local waterways, including the Napa River and its tributaries to avoid the costs of properly trucking out the toxic leachate to designated facilities for treatment and safe disposal.

54. As result of their failure to appropriately dispose of the toxic leachate, Defendants engaged in an illegal pattern and practice of exposing Plaintiffs and other employees to unsafe working conditions rife with toxic chemicals, pollution, and poisons while failing to provide Plaintiffs with proper protective equipment to decrease the effects of the toxic exposure.

55. In response to Defendants' illicit and unsafe business practices, Plaintiffs repeatedly complained to Defendants' supervisors and managers about the unsafe work conditions and exposure to toxic chemicals without adequate protection. However, Defendants' managers and supervisors disregarded Plaintiffs' complaints and continued to engage in the same unsafe, illegal and toxic work environment and then engaged in a prolonged campaign of retaliatory acts towards the Plaintiffs (and others) for having complained about Defendants' unsafe and dangerous business practices.

56. Due to their failure to properly dispose of the toxic leachate and other wastewater produced by their Clover Flat and Whitehall Lane Facilities, Defendants violated numerous government environmental regulations in which their government-issued operating permits were conditioned, including but not limited to California's Public Resource Code sections 43020, 44104, etc. For example, stormwater discharges associated with industrial activity at the Clover Flat and Whitehall Lane Facilities are regulated pursuant to the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001 [State Water Resources Control Board]; and the Water Quality Order No. 2014-57-DWQ ("Industrial Stormwater Permit") issued pursuant to Section 402 of the Federal Water Pollution Control Act, Title 33, section 1342 of the U.S. Code. The Clover Flat Facility falls within Standard Industrial Classification ("SIC") codes

4953 (Refuse Systems), 5093 (Scrap and Waste Materials), and 2875 (Fertilizer, Mixing Only.)

57. The government's Industrial Stormwater Permit includes the following requirements for all permittees, including Defendants' Clover Flat Facility: (1) develop and implement a stormwater pollution prevention plan ("SWPPP"); (2) control pollutant discharges using, as appropriate, best available technology economically achievable ("BAT") or best conventional pollutant control technology ("BCT") to prevent or reduce pollutants; (3) implement BAT and BCT through the development and application of Best Management Practices ("BMPs"), which must be included and updated in the SWPPP; and (4) when necessary, implement additional BMPs to prevent or reduce any pollutants that are causing or contributing to any exceedance of water quality standards.

58. In addition to violating their operating permits by deliberately releasing untreated toxic leachate into the environment, Defendants' actions also violated a litany of environmental laws and regulations that individually and collectively prohibit the improper disposal of toxic substances, such as untreated "leachate," including but not limited to, California Code of Regulations, Title 27, sections 20790, 20820, 20615, 20700, etc.; California Code of Regulations, Title 14, sections 17704, 17709, 17636, 17637, 17867, etc.; as well as various provisions of the Water Code, the Waste Code, the Water Pollution Control Act, and the Health and Safety Code, among others.

59. In addition to Defendants disregarding and ignoring their employees' and Plaintiffs' complaints of unsafe work conditions and illicit behavior, on or around January 2023 and on or around April 2024, the Napa County cities (e.g., Calistoga, St. Helena, Yountville) and County of Napa, which includes City Managers and Elected Officials, ignored the complaints of the workers, including Plaintiffs, about the White Hall Lane and Clover Flat facilities.

**DEFENDANTS POLLUTED THE NAPA RIVER AND SURROUNDING WINE-
PRODUCING AREAS THROUGH USE OF "GHOST PIPING"**

60. Throughout Plaintiffs' employment, Defendants effectuated their illegal scheme of unlawfully dumping their toxic leachate into the environment in a variety of ways. For example, Defendants forced employees, including Plaintiffs, to build and operate an illegal

1 network of unpermitted underground pipes that do not appear on any official blueprints or maps,
2 so called “ghost piping,” to covertly drain the toxic leachate and other contaminated wastewater
3 or stormwater from Defendants’ facilities and into the surrounding hills, streams, public
4 waterways, and/or the Napa River itself. Defendants built, expanded, and surreptitiously used
5 their hidden network of “ghost piping” over a period of decades to drain out their toxic leachate
6 reserves to avoid overfilling them. Defendants engaged in this practice of illegally polluting the
7 Napa River watershed without detection by government inspectors and/or private environmental
8 watchdog groups so as not to pay for the proper treatment and safe disposal of the toxic leachate,
9 as well as to not have to pay the construction costs of building additional reservoirs to safely
10 store the toxic liquid.

11 61. In fact, in late 2023, a group of officials from the San Francisco Bay Regional
12 Water Quality Control Board visited Defendants’ Clover Flat Facility to search for the “ghost
13 piping,” and in October 2023 reported that they had discovered a culvert intercepting the creek
14 and running beneath the access road with and “unknown purpose” as well as a metal pipe in the
15 creek that runs under the access road toward the facility’s wastewater containment pond, and
16 “many pipes” going between the facility’s containment pond and a stormwater drain.

17 62. Unsurprisingly, leachate from Defendants’ Clover Flat Facility has been found to
18 contain toxic per- and polyfluoroalkyl substances (PFAS, which are commonly referred to as
19 “forever chemicals”) which are manmade chemicals that do not break down in the environment
20 and have been linked to cancers and a range of other illnesses and health hazards. In fact, in early
21 2023, the San Francisco Regional Water Quality Control Board sampled a creek downstream
22 from the Clover Flat Facility that is a tributary to the Napa River for eight PFAS, identifying
23 multiple PFAS compounds in each sample, of the same type “detected at the Clover Flat
24 facility.” Notably, the U.S. EPA has listed Clover Flat as one of thousands of sites around the
25 country suspected of handling harmful PFAS chemicals.

26 63. Defendants’ deliberate pollution of the Napa River watershed with toxic
27 wastewater is particularly disturbing because Napa Valley contains some of the most valuable
28 agricultural land in the country, and water from the Napa River is used by local wineries to

1 irrigate Napa's famous vineyards, and is a significant community water resource. Moreover,
 2 thousands of people use the Napa River recreationally, such as for swimming or kayaking.
 3 Therefore, as result of their deliberate refusal to comply with government environmental rules
 4 and regulations and improperly releasing toxic untreated leachate into the Napa River watershed
 5 and surrounding environment, Defendants deliberately exposed employees, including Plaintiffs,
 6 as well as the general public to highly toxic leachate and leachate residue on a daily basis.

7 **DEFENDANTS' LONG HISTORY OF POLLUTION-RELATED VIOLATIONS**

8 64. While individual Defendant Christina Pestoni, who previously served as Chief
 9 Operating Officer for the Whitehall Lane and Clover Flat Facilities and is currently the Director
 10 of Government Affairs at Waste Connections, has publicly stated that the company's operations
 11 met "the highest environmental standards" and were in full legal and regulatory compliance,
 12 Defendants' long track record of known environmental abuses demonstrates their pattern and
 13 practice of deliberately polluting the environment and thus exposing the general public, as well
 14 as their employees, including Plaintiffs, to extremely toxic chemicals.

15 65. For example, on November 23, 2022, Defendants agreed to a civil penalty of
 16 \$619,400 imposed by government officials after a joint investigation conducted by the Water
 17 Board, the Napa County District Attorney's Office, and the California Department of Fish and
 18 Wildlife found that Defendants had violated their operating permit by discharging approximately
 19 40,000 gallons of "leachate-laden" stormwater into one of the streams that fed into the Napa
 20 River, among other environmental violations.

21 66. Similarly, in 2019 a California Department of Fish and Wildlife Officer report
 22 regarding Defendants' Clover Flat Facility found that the facility had "severely polluted" both
 23 streams that flow through the landfill property with "large amounts of earth waste spoils,
 24 *leachate*, litter, and sediment," and that, as result, there was "essentially no aquatic life present."

25 67. In 2019, a Regional Water Board inspection also found that Defendants' Clover
 26 Flat Facility was improperly discharging "acidic stormwater" into a stream adjacent to the
 27 landfill property, lowering the surface water pH in the adjacent streams to acidic levels "toxic to
 28 aquatic life." Further, in 2019, the Regional Water Board again observed that Defendants' Clover

Flat Facility had failed to inspect its “outdoor equipment and systems to identify leaks” or failed “to implement spill and leak response procedures.” Specifically, the Regional Water Board observed leaks from Defendants’ leachate collection tanks located at the Extraction Well and Leachate Recovery area at their Clover Flat Facility. Moreover, California’s Department of Fish and Wildlife staff also observed “rust and cracking outside the leachate storage tanks” in Defendants’ facility suggesting long-term leachate leaking, lack of maintenance, and Defendants’ evident long-standing awareness of the issue.

68. Furthermore, in 2019, a Napa County Environmental Health inspection report regarding Defendants’ Clover Flat Facility determined that the facility had failed to provide “effective stabilization” for finished slopes or other “erodible areas.” As result of Defendants’ lack of action, the Napa County Environmental officials also found that sediment and erosion from the facility to nearby streams could reduce the sunlight reaching aquatic life and provided additional “attachment places” for other toxic pollutants to accumulate (*e.g.*, heavy metals.)

69. In 2016, the Napa County Planning, Building and Environmental Services Department also investigated Defendants and found that they were in violation of Napa County Code section 16.28.100 – “Reduction of pollutants in stormwater” and section 16.28.090 – “Acts potentially resulting in violation of Federal Clean Water Act and/or Porter Cologne.”

70. In 2021, Napa County inspected Defendants’ Clover Flat Facility and reported that the facility released “putrid offensive” smells. The smell was strong enough to cause three complaints to the Napa County’s Local Enforcement Agency (“LEA”). Upon further inspection, Napa County officials determined that the noxious smell was being caused by the pond of water located in Defendants’ facility that was “saturated with *leachate* rich in organic material.”

DEFENDANTS USE TOXIC LEACHATE TO WATER THE VINES AT PESTONI VINEYARD THAT THEN SELLS WINE MADE FROM CONTAMINATED GRAPES

71. In addition to illegally dumping toxic untreated leachate into the Napa River and/or its tributaries, Defendants also improperly disposed of toxic leachate for decades by using to surreptitiously “water” the vines at the Pestoni Vineyard that they also owned and which was located next to their Whitehall Lane Facility. Defendants used their network of “ghost piping”

1 and specially designed valves to connect pipes from their waste-processing facility to the
2 irrigation system they used to water the vines at Pestoni Vineyard. Through this illegal system,
3 Defendants connected the storage tanks/containment ponds that held untreated toxic leachate and
4 illegally disposed of it by piping the leachate to Pestoni Vineyard and using the toxic leachate to
5 water the vines to avoid paying to properly dispose of the toxic leachate. On many occasions,
6 Defendants attempted to hide that they were pumping untreated, toxic leachate into the Pestoni
7 vineyard by turning on the sprinklers on rainy days to cover up the smell of the leachate.
8 Moreover, given that the Napa River and/or its tributaries were located near the Whitehall
9 Facility, Defendants were aware that excess runoff from the rain that then included the toxic
10 leachate they sprayed on the vines eventually drained into the Napa River and polluted it.

11 72. As result of Defendants' surreptitious use of the Pestoni Winery's irrigation
12 system to covertly and illegally dispose of the Whitehall Lane Facility's toxic leachate,
13 Defendants not only contaminated the Pestoni vineyards, but also the resulting wine made from
14 the contaminated grapes that they then sold to the public for as much as \$400 a bottle for rare
15 bottlings and/or vintages. In addition, by deliberately contaminating the vineyards with toxic
16 leachate, Defendants exposed employees, including Plaintiffs, to toxic chemicals.

17 73. In response to Defendants' illegal disposal of toxic leachate water, Plaintiffs
18 complained to Defendants' supervisors and managers about the unsafe work conditions caused
19 by Defendants' illegal disposal of the toxic wastewater and the harm it was causing them and the
20 environment. However, Defendants' managers and supervisors disregarded Plaintiffs' complaints
21 and continued to illegally dispose of the toxic leachate into the environment.

22 74. After Plaintiffs and other employees complained to Defendants' supervisors and
23 managers about Defendants' unsafe, illegal, and unethical business practices, Plaintiffs
24 relationship with Defendants became strained. Defendants began to engage in a prolonged
25 campaign of retaliatory acts towards Plaintiffs (and others) for having complained about
26 Defendants' unsafe and dangerous business practices. Defendants' retaliatory actions towards the
27 Plaintiffs, included but were not limited to, undeserved discipline, write-ups and warnings,
28 reduction in hours, reassignment to undesirable and substantially physically demanding jobs,

1 refusal to promote them, termination, forcing Plaintiffs to drive vehicles with faulty brakes and
 2 bald tires, forcing Plaintiffs to drive vehicles without working defrosters or window wipers,
 3 forcing Plaintiffs to work putting out fires without training or safety training equipment, forcing
 4 Plaintiffs to work sorting hazardous and medical waste without the proper safety equipment,
 5 forcing Plaintiffs to work mandatory overtime, changing the garbage truck drivers routes to add
 6 additional stops or making it longer, denying Plaintiffs access to the restroom facilities, denying
 7 Plaintiffs access to drinkable water, and denying Plaintiffs cool-down breaks.

8 **DEFENDANTS SELL “ORGANIC” COMPOST IT DELIBERATELY**
 9 **CONTAMINATED WITH TOXIC LEACHATE TO THE PUBLIC**

10 75. Defendants also engaged in a pattern and practice of improperly disposing of their
 11 toxic landfill leachate and acidic stormwater by instructing its employees, including Plaintiffs, to
 12 use the polluted water to spray the compost that was being manufactured at their Whitehall Lane
 13 Facility from organic winery waste materials such as grape pomace. Excess heat is a common
 14 byproduct of the composting process created by normal chemical reactions that occur during the
 15 decomposition of organic plant materials. As result, Defendants’ employees, including Plaintiffs,
 16 had to regularly moisten the large piles of compost to prevent the compost itself from catching
 17 fire, which it often did. However, instead of using water, Defendants ordered Plaintiffs to use
 18 toxic leachate to moisten the compost to prevent fires, and to use it to put out any resulting fires
 19 in order to avoid paying for the leachate’s proper treatment and safe disposal.

20 76. Defendants then sold the contaminated toxic compost to the general public falsely
 21 claiming that it was certified as “organic.” While Defendants advertise on their website that their
 22 compost is certified and listed with the Organic Materials Research Institute (“OMRI”), which
 23 specifically requires that certifiers *avoid* contamination from pathogenic organisms and *heavy*
 24 *metals*, Defendants deliberately *contaminated* the compost with toxic leachate that contained
 25 heavy metals and then improperly sold it as “certified organic.” In fact, Defendants’ improper
 26 use of toxic landfill leachate and acidic stormwater to water the compost is not just a violation of
 27 OMRI Standards, but it is also a violation of government regulations and laws, including Title 7
 28 of the Code of Federal Regulations section 205.203.

1 77. Defendants’ practice of selling compost deliberately contaminated with toxic
 2 leachate is particularly egregious because Defendants were aware that when the general public,
 3 including local wineries, purchased the contaminated compost to use in their homes and
 4 vineyards, they would contaminate not only their homes and the vineyards from which they
 5 made wine, but would themselves (and their employees) become exposed to its toxic chemicals.

6 78. Plaintiffs are informed, believe, and hereon allege that Defendants’ practice of
 7 using toxic leachate to water the compost that Defendants then sold as “certified organic”
 8 continues to this day by allowing their contaminated water reservoirs to fill up with rain to
 9 overflow and then using the contaminated water it to moisten the compost. In fact, as recently as
 10 2023, when Napa County officials inspected Defendants’ facilities, they observed that there was
 11 “accumulation of either rainwater or leachate” between composting windrows, which is a
 12 violation of Title 14 of the California Code of Regulations section 17863.4.

13 79. Defendants’ supervisors and managers routinely instructed Plaintiffs Luciano
 14 Morales and Joise Mendez Avendano (and other Plaintiffs and employees) to use the toxic
 15 leachate water to water the compost and extinguish compost fires. As result, Plaintiffs and other
 16 employees were often drenched in the toxic leachate water and/or had to inhale the toxic fumes
 17 and were thus exposed to the highly toxic chemicals it contained.

18 80. Therefore, as result of their deliberate refusal to comply with government
 19 environmental rules and regulations and improperly using untreated toxic leachate during the
 20 manufacturing and handling of compostable materials, Defendants deliberately exposed
 21 employees, including Plaintiffs, as well as the general public to highly toxic leachate.

22 81. In response to Defendants’ illegal use of toxic leachate water for industrial
 23 purposes, Plaintiffs complained to Defendants’ supervisors and managers about the unsafe work
 24 conditions caused by Defendants’ use of the toxic water and the harm it was causing them and
 25 the environment. However, Defendants’ managers and supervisors disregarded Plaintiffs’
 26 complaints and continued to use toxic leachate to water the compost and put out compost fires.

27 82. After Plaintiffs and other employees complained to Defendants’ supervisors and
 28 managers about Defendants’ unsafe, illegal, and unethical business practices, Plaintiffs’

relationship with Defendants became even more strained. Defendants began to engage in a prolonged campaign of retaliatory acts towards Plaintiffs (and others) for having complained about Defendants' unsafe and dangerous business practices. Defendants' retaliatory actions towards the Plaintiffs are substantial, as described previously herein and throughout the rest of this Complaint.

**DEFENDANTS SELL GRAPESEED OIL CONTAMINATED WITH TOXIC
LEACHATE THAT IS THEN USED IN COSMETICS SOLD TO THE PUBLIC**

83. In addition to selling compost for agricultural and gardening use to the public, Defendants also used the grape pomace compost they deliberately contaminated with toxic leachate, and then falsely sold as "certified organic," to manufacture grapeseed oil. Defendants then sold this contaminated grapeseed oil falsely claiming it to be "organic" to various companies that used it to manufacture cosmetics from the contaminated oil that they then also sold to the public as a natural, "organic" product to be used on customers' bodies and faces.

84. In addition, Defendants also manufactured culinary grapeseed oil sold for cooking and human consumption from the grape pomace they had deliberately contaminated with toxic leachate. Defendants then sold this contaminated grapeseed oil to the general public falsely claiming it to be "organic" when they were fully aware that customers who purchased the oil would use it for cooking and on their food and thus ingest the contaminated oil.

85. As result of Defendants' false representations that their compost and resulting grapeseed oil was "certified organic," Defendants also defrauded the companies that purchased the contaminated oil because the companies relied on Defendants' false representations to incorrectly advertise their cosmetics also as "organic" to the public. Therefore, as result of Defendants' deliberate refusal to comply with government environmental rules and regulations and improperly using untreated toxic leachate during the manufacturing and handling of compostable materials, Defendants knowingly exposed the public to toxic cosmetics. Moreover, Defendants' illicit practices also led to defrauding of companies that relied on Defendants' representations that their product was "certified organic" when purchasing the compost, as well as when advertising their own products as "organic" to the public.

86. Again, as result of Defendants' deliberate refusal to comply with government environmental rules and regulations and improperly using grapeseed oil that was infused with untreated toxic leachate during the manufacturing and handling of grape pomace, Defendants deliberately exposed employees, including Plaintiffs, as well as the public to toxic leachate.

87. For example, Defendants' supervisors and managers routinely instructed Plaintiffs Francisco Bautista and Romualdo Guzman (and other Plaintiffs and employees) to work directly in the vineyard with the grapes and the compost made up of the grape pomace, compost, and grapes, all of which had been "watered" with toxic leachate water and thus contaminated. As result, Plaintiffs and other employees were often drenched in the toxic leachate water and were thus exposed to the highly toxic chemicals it contained.

88. In response to Defendants' illicit business practice of selling products made grape pomace that they had deliberately contaminated with toxic leachate water, Plaintiffs complained to Defendants' supervisors and managers about the unsafe work conditions caused by Defendants' illegal use of the toxic water and the harm it was causing them and the environment. However, Defendants' managers and supervisors disregarded Plaintiffs' complaints and continued to use toxic leachate to water the compost and put out compost fires.

89. After Plaintiffs and other employees complained to Defendants' supervisors and managers about Defendants' unsafe, illegal, and unethical business practices, Plaintiffs relationship with Defendants became even more strained. Defendants began to engage in a prolonged campaign of retaliatory acts towards Plaintiffs (and others) for having complained about Defendants' unsafe and dangerous business practices. Defendants' retaliatory actions towards the Plaintiffs are substantial, as described previously herein and throughout the rest of this Complaint.

**DEFENDANTS ILLEGALLY DISPOSE OF TOXIC LEACHATE BY USING IT FOR
NORMAL BUSINESS OPERATIONS INSTEAD OF WATER**

90. In addition to illegally dumping toxic leachate through the uses described above, throughout Plaintiffs' employment, Defendants also illegally disposed of toxic leachate by using it during normal business operations. For example, for decades instead of properly trucking out

1 the toxic leachate for treatment and safe disposal, Defendants instructed their employees,
2 including Plaintiffs, to use it for “dust control” instead of water by using leachate to spray the
3 dirt roads leading into and inside the Whitehall Lane and Clover Flat Facilities so that the fleets
4 of trucks and other heavy machinery that regularly drove in and out the facilities would not kick
5 up dust into the air and into the surrounding community.

6 91. However, the result of Defendants’ practice of regularly spraying toxic leachate
7 for dust control was to contaminate the dirt roads and the surrounding community with toxic
8 chemicals and heavy metals. For example, Defendants’ supervisors and managers routinely
9 instructed Plaintiffs Luciano Morales and Gary Hernandez (and other employees and Plaintiffs)
10 to fill up Defendants’ water tanker trucks with toxic leachate and spray the dirt roads in and
11 around their facilities with the dirty toxic water. Ironically, by repeatedly using toxic leachate for
12 dust control, Defendants contaminated the ground so that dust that was subsequently raised by
13 their trucks and other vehicles driving over it exposed the public and their employees, including
14 Plaintiffs, to toxic dust that they would then have to breathe in. As result of using the leachate for
15 dust control, Plaintiffs and other employees were often drenched in the toxic leachate water and
16 were thus again exposed to the highly toxic chemicals it contained.

17 92. Defendants also exposed employees to toxic leachate by forcing employees,
18 including Plaintiffs, to use toxic untreated leachate to “wash” Defendants’ trash trucks, service
19 trucks, and other heavy machinery instead of water. As result, Defendants’ employees, including
20 Plaintiffs, would get regularly splashed with the toxic leachate.

21 93. In response to Defendants’ illegal use of toxic leachate water, Plaintiffs
22 complained to Defendants’ supervisors and managers about the unsafe work conditions caused
23 by Defendants’ illegal disposal of the toxic wastewater and the harm it was causing them and the
24 environment. However, Defendants’ managers and supervisors disregarded Plaintiffs’ complaints
25 and continued to use the toxic leachate instead of water for dust control and other industrial uses.

26 94. After Plaintiffs and other employees complained to Defendants’ supervisors and
27 managers about Defendants’ unsafe, illegal, and unethical business practices, Plaintiffs
28 relationship with Defendants became even more strained. Defendants began to engage in a

1 prolonged campaign of retaliatory acts towards Plaintiffs (and others) for having complained
 2 about Defendants' unsafe and dangerous business practices. Defendants' retaliatory actions
 3 towards the Plaintiffs are substantial, as described previously herein and throughout the rest of
 4 this Complaint.

5 **DEFENDANTS ILLEGALLY DISPOSE OF TOXIC WASTEWATER BY**
 6 **DUMPING IT ON NAPA'S BACKROADS**

7 95. Throughout Plaintiffs' employment, Defendants also illegally disposed of toxic
 8 leachate by dumping it along the rural, often remote, highways in Napa Valley, thus
 9 contaminating the local environment and land from which Napa's wineries made their highly
 10 regarded wines. For decades, instead of properly trucking out the toxic leachate for treatment and
 11 safe disposal, Defendants instructed their employees, including Plaintiffs, to take trucks
 12 containing the leachate and other untreated wastewater and dump the wastewater along the
 13 backroads of Napa Valley to reduce the amount of leachate and wastewater that they would have
 14 to store at their waste processing facilities, and so as not to have to pay for the leachate to be
 15 treated and safely disposed of. Defendants' practice of illegally dumping toxic waste on private
 16 and public property is a violation of government laws and regulations, including California Penal
 17 Code sections 374.3, 374.4, 374.7 and Napa County Health and Safety Code section 8.52.150.

18 96. For example, Defendants' supervisors and managers routinely ordered Plaintiffs
 19 Juan Manuel Carillo and Gary Hernandez (and other Plaintiffs and employees) to fill up
 20 Defendants' water tanker trucks with toxic leachate water and illegally dispose of it by dumping
 21 in remote, secluded locations along the backroads of Napa County where Defendants' illicit
 22 business practices would not be observed by government authorities or the public.

23 97. In addition to dumping leachate and untreated wastewater on Napa's roads,
 24 Defendants also engaged in the illegal and unsafe business practice of dumping rotting food
 25 wastewater in the backroads of Napa County. For example, Defendants routinely ordered their
 26 garbage truck drivers, including Plaintiffs Ricky Hernandez and Gary Hernandez (and other
 27 Plaintiffs and employees), to open the trash trucks' sewage-doors and dump the rotting food
 28 wastewater in isolated parts of the Napa Valley community where they would not be seen, like

Napa's backroads. Defendants' disgusting and unsafe business practice of dumping the wastewater along the backroads led to contamination of the environment surrounding the roads around Napa County, including the Napa River and many wineries. Defendants' illicit practices also exposed employees, including Plaintiffs, to dangerous biohazardous waste and chemicals.

98. Again, as result of their deliberate refusal to comply with government environmental rules and regulations and improperly disposing of untreated toxic, food waste, and/or other wastewater, Defendants deliberately exposed employees, including Plaintiff^s Ricky Hernandez, Juan Manuel Carillo, Gary Hernandez (and other employees and Plaintiffs), as well as the general public to highly toxic wastewater.

99. In response to Defendants' illegal disposal of toxic leachate and other wastewater, Plaintiffs complained to Defendants' supervisors and managers about the unsafe work conditions caused by Defendants' illegal disposal of the toxic wastewater and the harm it was causing them and the environment. However, Defendants' managers and supervisors disregarded Plaintiffs' complaints and continued to illegally dispose of the toxic leachate into the environment.

100. After Plaintiffs Ricky Hernandez, Gary Hernandez, Juan Manuel Carrillo (and other Plaintiffs and employees) complained to Defendants' supervisors and managers about Defendants' unsafe, illegal, and unethical business practices, Plaintiffs' relationship with Defendants became even more strained. Defendants began to engage in a prolonged campaign of retaliatory acts towards Plaintiffs (and other employees) for having complained about Defendants' unsafe and dangerous business practices. Defendants' retaliatory actions towards the Plaintiffs are substantial, as described previously herein and throughout the rest of this Complaint.

DEFENDANTS ILLEGALLY DUMP TOXIC BIOMEDICAL, INDUSTRIAL, AND RADIOACTIVE WASTE

101. Throughout Plaintiffs' employment, Defendants engaged in a pattern and practice of illegally taking in hazardous, toxic waste, to illegally increase revenue, despite that their Clover Flat and Whitehall Lane Facilities were only permitted by government agencies to process *non-hazardous* waste. For decades, Defendants illegally accepted Hazardous Waste, as

defined by Title 22, of the California Code of Regulations, section 66261.3, including biohazardous waste, discarded commercial chemical products, industrial waste, solvents, etc.

102. For example, for decades Defendants improperly and deliberately collected biomedical waste that contained human blood, used syringes, human excrement, etc. Defendants were callously aware that their employees, including Plaintiffs, would come into contact with the biohazardous waste as part of their duties. Defendants were also aware that chemicals from the biohazardous waste that they were illegally taking in would eventually be improperly released into the environment after it was processed in Defendants' facilities and/or buried in the landfill.

103. In addition to biohazardous waste, Defendants also illegally took in industrial waste from local factories, plants, and other industrial businesses, such as disposed chemicals and solvents used in their manufacturing and/or industrial processes. Moreover, Defendants also improperly collected radioactive and other toxic military waste and surreptitiously buried it in hidden or distant corners of Defendants' landfill so that government inspectors and/or the public would not find out. Defendants were again aware that toxic chemicals from the industrial and military waste would also be eventually improperly released into the environment after it was buried in the landfill, thus polluting the surrounding areas and exposing employees and the public to highly toxic chemicals from illegally dumped waste.

104. Defendants also engaged in the illegal practice of disposing of radioactive sludge in the landfill. On or around 2019, Defendants allowed large frac tanks that had been previously used to store radioactive sludge and which still contained radioactive sludge to be stored at Defendants' facilities in violation of government laws and regulations, including the Resource Conservation and Recovery Act, the Toxic Substance Control Act, California's Health & Safety Code, sections 11374.5, 25200, and Title 22 of the California Code of Regulations, sections 66250, et seq. Defendants then ordered employees, including Plaintiffs, to use the contaminated radioactive frac tanks to store the overflowing leachate and toxic wastewater, thereby increasing the wastewater's toxicity by causing it to also become radioactive. Defendants then illegally dumped the toxic, radioactive leachate in Napa's streams, rivers, wineries, roads, etc.

105. By illegally receiving and collecting hazardous waste and ordering that their

employees, including Plaintiffs, process, move around, and/or bury the hazardous waste in the landfill, Defendants exposed their employees, including Plaintiffs, to dangerous substances that increase mortality or increase irreversible illness in violation of applicable government regulations, including the Resource Conservation and Recovery Act, the Toxic Substance Control Act, California's Health & Safety Code, sections 11374.5, 25200, and Title 22 of the California Code of Regulations, sections 66250, et seq.

106. As part of Defendants' illegal scheme of accepting hazardous and biomedical waste in violation of government regulations and statutes, Defendants also engaged in illegal conduct by falsifying the documentation of the type of trash that entered their facilities for processing and burial—documents intended for government inspectors' review. For example, Defendants ordered Plaintiff Juan Manuel Carillo Sr. (and other Plaintiffs and employees) to falsify the documentation identifying the illegally collected hazardous waste as regular nonhazardous trash to hide that Defendants were violating their facilities' operating permits by illegally taking in hazardous waste. Defendants' deliberate falsification of documents regarding the type of trash their facilities were taking in was also a violation of government laws and regulations, including Title 27 of the California Code of Regulations sections 20510, 21600; Title 14 of the California Code of Regulations section 18815.3; California Health and Safety Code section 25191; and the California Penal Code section 115.

107. When Plaintiffs, including Plaintiff Juan Manuel Carillo Sr., complained about Defendants illegal practice of falsifying documentation regarding Defendants illegally taking in hazardous waste, Defendants' supervisors and managers became hostile and irate and bluntly told him to "shut-up" and "mind your own business."

108. As result of their deliberate refusal to comply with government regulations and permits by improperly disposing of hazardous, toxic, and/or radioactive waste, Defendants deliberately exposed employees, including Plaintiffs, as well as the general public and the environment to highly toxic chemicals.

109. In response to Defendants' illegal collection and processing of hazardous, toxic, and/or radioactive waste, Plaintiffs complained to Defendants' supervisors and managers about

the unsafe work conditions caused by Defendants' illegal disposal of the hazardous waste and the harm it was causing them and the environment. However, Defendants disregarded Plaintiffs' complaints and continued to illegally collect and dump hazardous waste.

110. After Plaintiffs complained to Defendants' supervisors and managers about Defendants' unsafe, illegal, and unethical business practice of collecting and dumping hazardous waste, Plaintiffs' relationship with Defendants became even more strained. Defendants began to engage in a prolonged campaign of retaliatory acts towards Plaintiffs (and others) for having complained about Defendants' unsafe and dangerous business practices. Defendants' retaliatory actions towards the Plaintiffs are substantial, as described previously herein and throughout the rest of this Complaint.

DEFENDANTS IMPROPERLY DISPOSE OF WILDFIRE (DISASTER) DEBRIS

111. Because wildfire debris often includes toxins such as arsenic, lead, mercury, asbestos, and chlorine, it must be legally disposed of in a safe manner that requires proper documentation certifying its safety before it can be buried in a landfill only certified for non-hazardous waste. Napa County landfills are legally prohibited from accepting structural fire debris and ash without proper permits from the Napa County Planning, Building & Environmental Services ("PBES.") The amount of wildfire (disaster) debris a landfill is permitted to receive must be within the limits of their permit unless the landfill receives an emergency waiver per the process outlined in Title 14 of the California Code of Regulations, sections 17210-17210.9.

112. Defendants engaged in an illegal pattern and practice of receiving unpermitted wildfire debris in their landfill in their Clover Flat Facility that did not have the proper testing and necessary documentation reflecting that it was *not* hazardous and thus safe and legal to dump at Defendants' facilities. Defendants' actions thus lead to harmful contamination of the landfill and surrounding area and endangering employees, including Plaintiffs.

113. Defendants also failed to take adequate safety measures to handle the excessive amount of fire debris that they took in, thus endangering employees, including Plaintiffs, as well as the surrounding community. During times when the Governor of California declared a State of

Emergency due to massive fires in Napa County as well as surrounding counties, Defendants regularly requested an increase in the amount of wildfire debris that they were permitted to take in. Defendants falsely asserted in their waiver application that the increase in the amount of waste allowed into the landfill posed no “threat to public health and safety or the environment,” despite failing taking the necessary safety measures required to process such a large increase of additional debris. As result of Defendants’ lack of capacity to safely process and bury the enormous amounts of wildfire debris that they took in, their Clover Flat landfill itself eventually caught fire, endangering their employees, including Plaintiffs, as well as surrounding homes and communities and causing further environmental pollution.

114. As result of their deliberate refusal to comply with government regulations and permits by improperly taking in uncertified fire debris, Defendants deliberately exposed employees, including Plaintiffs, as well as the general public and the surrounding environment to highly toxic chemicals contained in the fire debris.

115. In addition, Defendants were also aware that the excessive amount of wildfire debris that it took in would lead to an excessive increase in the amount of toxic leachate that the landfill produced. Defendants were also aware that they were not able to contain and/or store the quantity of toxic leachate produced, and as result the leachate found its way into the Napa River and/or its tributaries, thus contaminating the surrounding area and endangering employees, including Plaintiffs, as well as the community at large.

116. In response to Defendants’ illegal collection and processing of hazardous, uncertified fire debris waste, Plaintiffs complained to Defendants’ supervisors and managers about the unsafe work conditions caused by Defendants’ illegal disposal of the hazardous waste and the harm it was causing them and the environment. However, Defendants disregarded Plaintiffs’ complaints and continued to illegally collect and dump uncertified fire debris waste.

117. After Plaintiffs complained to Defendants’ supervisors and managers about Defendants’ unsafe, illegal, and unethical business practice of collecting and dumping hazardous uncertified fire debris waste, Plaintiffs’ relationship with Defendants became even more strained. Defendants began to engage in a prolonged campaign of retaliatory acts towards Plaintiffs (and

others) for having complained about Defendants' unsafe and dangerous business practices. Defendants' retaliatory actions towards the Plaintiffs are substantial, as described previously herein and throughout the rest of this Complaint.

**DEFENDANTS DELIBERATELY EXPOSE WORKERS TO DANGEROUS
BIOHAZARDOUS MEDICAL WASTE**

118. As result of their longstanding pattern and practice of illegally taking in biohazardous medical waste mixed with other types of waste material, Defendants deliberately endangered their employees' lives and health, including Plaintiffs. Defendants were aware that Plaintiffs' duties, in particular those who worked as Sorters, required Plaintiffs to sort by hand through waste that Defendants collected in order to separate recyclables from other waste to be buried in the landfill. Defendants demanded that employees, including Plaintiffs, hand sort hazardous waste contaminated with used syringes, used medical supplies, materials covered in blood, human feces, and/or other biological waste. This biomedical waste was then mixed with the regular waste, thus contaminating all of the regular waste.

119. Defendants' pattern and practice of illegally dumping hazardous waste materials at its facilities to improperly increase profits lead to their employees, including Plaintiffs, being routinely exposed to hazardous and harmful waste material. For example, as part of their duties, Plaintiffs Lusiano Morales, Jose Lopez Guzman, Pomilio Jacinto Altamirano Reyes (and other Plaintiffs and employees) came into contact with used syringes and other sharp objects contaminated with blood, feces, or other biological materials as they sorted through the trash to pick out recyclable materials. As result of Defendants' dangerous business practices, many Plaintiffs were stabbed by the syringes and/or received cuts or other injuries, and were thus exposed to potentially dangerous, contagious, incurable, and/or fatal infections and diseases.

120. Upon recognizing that the waste that Defendants were asking Plaintiffs to sort through was unsafe and potentially dangerous to their health, Plaintiffs regularly complained about Defendants' failure to comply with government regulations and actively advocated for Defendants to adopt and implement appropriate standards and practices. Defendants, however, repeatedly rejected Plaintiffs' requests and/or ignored Plaintiffs' complaints and continued to

1 collect biohazardous medical waste.

2 121. Defendants' dangerous business practice of forcing employees to sort through
3 hazardous biomedical waste was even more egregious due to their deliberate failure to provide
4 Plaintiffs and other employees with adequate protective gear as required by government
5 regulations to improperly cut operating costs and increase profits. As result, Plaintiffs repeatedly
6 complained to Defendants about their refusal to provide them (employees) with protective gear,
7 even when the protective gear was necessary to perform their job duties, such as handling
8 dangerous or toxic chemicals and waste that Defendants illegally took in. Defendants then
9 repeatedly rejected Plaintiffs' complaints and requests to be provided with appropriate and
10 necessary personal protective equipment.

11 122. After Plaintiffs complained to Defendants' supervisors and managers about
12 Defendants' unsafe and unethical business practices of forcing Plaintiffs to sort through illegally
13 collected hazardous waste, Plaintiffs' relationship with Defendants became even more strained.
14 Defendants began to engage in a prolonged campaign of retaliatory acts towards Plaintiffs (and
15 others) for having complained about Defendants' unsafe and dangerous business practices.
16 Defendants' retaliatory actions towards the Plaintiffs are substantial, as described previously
17 herein and throughout the rest of this Complaint.

18 **DEFENDANTS DEFRAUD THE GOVERNMENT AND THE PUBLIC BY**
19 **FRAUDULENTLY CHARGING FOR SEPARATELY PROCESSING GREEN WASTE**

20 123. Defendants had a pattern and practice of deliberately and fraudulently
21 misrepresenting the waste disposal services that they provided to government entities and
22 customers, despite being paid to perform those services. Specifically, Defendants were and are
23 required pursuant to their lucrative government contracts to collect different types of garbage
24 (regular trash, recyclables, and green waste) separately to then independently process the
25 different types of waste and thus reduce the amount of trash that ends up in landfills as required
26 by government regulations, including California's Health and Safety Code section 39730; Public
27 Resources Code section 42652; and Title 14 of the California Code of Regulations section
28 18984.

1 124. Moreover, Defendants also charged community members additional fees for
2 providing them with the service of separately picking up and processing their recyclables and
3 green waste from their regular garbage. Pursuant to their contractual requirements with local
4 governments and individual customers, Defendants were supposed to send different garbage
5 trucks to pick up the different types of waste independently so that recyclable and green waste
6 loads did not mix together with the regular trash and improperly end up in the landfill. However,
7 despite their contractual requirements with local governments and customers, Defendants
8 deliberately mixed garbage loads by frequently sending only one truck to pick up more than one
9 and/or all three types of waste to improperly reduce operating costs and increase profits.

10 125. Pursuant to their fraudulent business practices, Defendants regularly instructed
11 employees driving the trash trucks, including Plaintiffs, to pick up *all* types of trash, when they
12 were supposed to only pick up one type of trash (*e.g.*, recycling, etc.) leading to improperly
13 mixed trash loads that ended up in landfills. Despite being mandated by government rules, as
14 well as contractual obligations to provide recycling services to customers, including the
15 collection, pick-up, and hauling of recyclable materials to reduce the amount of waste that ends
16 up in landfills, Defendants deliberately refused to provide the necessary service while continuing
17 to charge the public for the recycling collection services that it did not provide.

18 126. On other occasions, Defendants ordered employees, including Plaintiffs, to
19 fraudulently report that they (employees) had picked up trash from business customers whom
20 Defendants typically only charged when they actually picked up trash from that particular
21 customer, even when the businesses did *not* have any trash and thus should not have been
22 charged anything. For example, on several occasions, Defendants ordered Plaintiff Juan Manuel
23 Carrillo Sr. (and other Plaintiffs and employees) to report that they had picked up trash from a
24 customer company even when Plaintiffs repeatedly informed Defendants that there was nothing
25 to pick up. Defendants engaged in this practice knowing that most business customers would not
26 scrutinize their bills closely, and even if they did, the customers would not realize that there had
27 been nothing in their dumpsters, thus allowing Defendants to fraudulently increase their profits
28 by charging for work they never performed.

127. On many occasions, Plaintiffs complained about Defendants' fraudulent practices, but when they questioned Defendants' business practices, Defendants bluntly told them that they did not want through the effort and expense of sending additional trucks to pick up the different types of waste. Defendants then bluntly admonished Plaintiffs, telling them and other employees that they should not question Defendants' decisions because they "did not know better."

128. After Plaintiffs complained to Defendants' supervisors and managers about Defendants' fraudulent and unethical business practices of charging public entities and individual customers for services that they had not provided, Plaintiffs' relationship with Defendants became even more strained. Defendants began to engage in a prolonged campaign of retaliatory acts towards Plaintiffs (and others) for having complained about Defendants' unethical and fraudulent business practices. Defendants' retaliatory actions towards the Plaintiffs are substantial, as described previously herein and throughout the rest of this Complaint.

DEFENDANTS DEFRAUD CUSTOMERS BY DELIBERATELY CHARGING THEM
IMPROPER HIGHER RATES

129. In addition to improperly charging customers for the separate collection, pick-up, and hauling of recyclable materials that they frequently had not performed, Defendants also engaged in a pattern and practice of improperly and deliberately overcharging certain customers for collection and disposal of their waste. For example, on many occasions Defendants ordered employees, including Plaintiffs, to fraudulently note in customers' records that they should be charged the higher "Distance" rate, instead of the more appropriate, lower "Roadside" rates. Defendants did this knowing that most customers would not scrutinize their bills closely, and even if they did, that they would not know what the "Distance" rate was or that it was inappropriately applied to them, thus allowing Defendants to fraudulently increase their profits.

130. On several occasions, Plaintiff Gary Hernandez (and other Plaintiffs and employees) complained to Defendants' managers and supervisors that Defendants were improperly charging customers higher rates, but they disregarded their complaints. After Plaintiffs complained to Defendants' supervisors and managers about Defendants' unethical and fraudulent business practice of charging individual customers improper higher rates for services,

1 Plaintiffs' relationship with Defendants became even more strained. Defendants began to engage
 2 in a prolonged campaign of retaliatory acts towards Plaintiffs (and others) for having complained
 3 about Defendants' illicit business practices. Defendants' retaliatory actions towards the
 4 Plaintiffs, included but were not limited to, undeserved discipline, write-ups and warnings,
 5 reduction in hours, reassignment to undesirable and substantially physically demanding jobs,
 6 refusal to promote them, termination, forcing Plaintiffs to drive vehicles with faulty brakes and
 7 bald tires, forcing Plaintiffs to drive vehicles without working defrosters or window wipers,
 8 forcing Plaintiffs to work putting out fires without training or safety training equipment, forcing
 9 Plaintiffs to work sorting hazardous and medical waste without the proper safety equipment,
 10 forcing Plaintiffs to work mandatory overtime, changing the garbage truck drivers routes to add
 11 additional stops or making it longer, denying Plaintiffs access to the restroom facilities, and
 12 denying Plaintiffs access to drinkable water and cool-down breaks.

13 131. In fact, Defendants retaliated against Plaintiff Gary Hernandez for complaining
 14 about Defendants deliberately overcharging customers, as well as for complaining about
 15 Defendants' other unethical and dangerous business practices, by unnecessarily forcing him to
 16 remain at work even after he completed his job tasks and work shift in order to prevent him from
 17 picking up his son from school; cutting his rest/lunch breaks short; giving additional trash routes,
 18 and/or extending his trash routes so as to increase the amount of work he had to do; and giving
 19 him trash routes that required him to drive long distances from Defendants' facilities as
 20 punishment for his many complaints about Defendants' illicit business practices.

21 **DEFENDANTS DELIBERATELY ENDANGER WORKERS BY FORCING THEM TO**
 22 **FIGHT FIRES WITH NO TRAINING OR PROPER EQUIPMENT**

23 132. In addition to improperly overcharging customers for the disposal of their waste,
 24 Defendants also engaged in a pattern and practice of endangering their workers by forcing them
 25 to work as volunteer firefighters fighting fires and/or clearing fire debris in and around
 26 Defendants' facilities. Government regulations, including Health and Safety Code, section
 27 13159.1, require that volunteer firefighters be trained and certified to work fighting fires. In
 28 addition, the Napa County Fire Department requires that volunteer firefighters receive 144 hours

1 of training before certifying them as volunteer firefighters. Despite these regulations to ensure
2 the safety of the person fighting fires as well as those around him, Defendants regularly forced
3 their employees, including Plaintiffs, to work as volunteer firefighters whenever Defendants'
4 facilities were threatened by wildfires and/or threatened by fires within the facilities caused
5 Defendants' unsafe and illicit business practices.

6 133. Despite the fact that their duties as Sorters, Drivers, and Laborers in Defendants'
7 waste processing facilities were completely unrelated to fighting fires, Defendants callously used
8 their employees, including Plaintiffs, as a captive labor force that they then exploited for their
9 own benefit by illegally risking their employees' lives to protect Defendants' financial interests
10 and property by sending them into the hills surrounding Defendants' facilities to fight wildfires
11 whenever wildfires threatened Defendants' property. For example, on several occasions
12 Defendants instructed employees, including Plaintiffs Joise Mendez Avendano, Juan Manuel
13 Carrillo Sr., Romualdo Guzman, Juan Carrillo de La Luz, Jose Lopez Guzman, Efrain Inda
14 Verdin, Francisco Bautista (and other Plaintiffs) to try to put out the fires around their Clover
15 Flat and Whitehall Lane Facilities despite being aware that Plaintiffs were not trained or certified
16 to fight fires.

17 134. In addition to fighting the fires that affected the community of Napa Valley,
18 Defendants callously used their employees, including Plaintiffs, as firefighters in the numerous
19 onsite fires that ignited due to the poor safety regulations and lack of safeguards. For example,
20 on several occasions Defendants' supervisors and managers instructed employees, including
21 Plaintiffs Juan Manuel Carrillo Sr., Luciano Morales, Francisco Bautista (and other Plaintiffs and
22 employees) to put out the fires around or over the compost or around or over the waste/garbage
23 at the Clover Flat and Whitehall Lane Facilities despite being aware that Plaintiffs were not
24 trained or certified to fight fires.

25 135. Defendants' callous disregard for their employees' lives, including Plaintiffs, was
26 even more egregious because in addition to illegally demanding that Plaintiffs work as
27 firefighters, Defendants also failed to provide Plaintiffs with any proper protective equipment
28 necessary for the task, such as fire smoke graded face masks, fire repellent clothing, fire resistant

1 gloves, helmets, etc. Instead, Defendants forced Plaintiffs and other employees to use their own
2 bandanas, handkerchiefs, and leftover N-95 masks as their only protection from the heavy smoke
3 caused by the massive fires. As result of Defendants' dangerous business practices, many
4 Plaintiffs and other employees, including Francisco Bautista suffered burns, developed hives,
5 respiratory problems, and/or lingering coughs due to their exposure to the fires and fumes.

6 136. Defendants further endangered their employees, including Plaintiffs, by ordering
7 them to clear fire debris from areas within and around Defendants' facilities that had been
8 burned by fires. After the worst of the fires had passed, Defendants forced employees, including
9 Plaintiffs, to walk through smoky, charred, often still smoldering areas to clear out burned trees,
10 poles, man-made structures, etc., using high powered tools that Plaintiffs had never used before
11 and were not trained to use. For example, Defendants ordered Plaintiffs Jose Lopez Guzman,
12 Juan Carrillo De La Luz, Pomilio Jacinto Altamirano Reyes, Pedro Reyes (and other Plaintiffs
13 and employees) to use gas powered chainsaws and tree trimmers without providing them with
14 *any* safety training and/or training on how to use the equipment and/or provided them with
15 protective equipment to safely cut-down trees that ranged from 18 feet to over 30 feet tall.

16 137. Defendants' dangerous practice of sending landfill laborers, including Plaintiffs,
17 into burned out areas to clear fire debris was also dangerous because the fires exposed
18 employees, including Plaintiffs, to toxic chemicals created by the fires such as Hexavalent
19 Chromium 6, a toxic airborne chemical that has been identified as a carcinogen. While the metal
20 Chromium can be normally found in soil, when Chromium is heated by fire it can become
21 airborne and change to the highly toxic Hexavalent Chromium 6. This is especially true in the
22 areas surrounding Defendants' Clover Flat and Whitehall Lane Facilities where the soil naturally
23 contained high levels of Chromium, as did the soils in the wildfire waste Defendants took in
24 from other local wildfires such as LNU, Tubbs and Kincaid fires. As result, Defendants exposed
25 their employees, including Plaintiffs, to highly toxic chemicals by ordering them to work putting
26 out fires and/or to clean up recently burned areas without any proper safety equipment.

27 138. Defendants' selfish disregard for their employees' lives and safety, including
28 Plaintiffs, in order to protect their own property was also evidenced by Defendants' abusive

1 practice of ordering Plaintiffs and other employees to work through their meal and rest breaks so
2 they could continue to work fighting fires and/or clearing our fired debris without rest.

3 Defendants then failed to pay Plaintiffs the meal and rest breaks they forced Plaintiffs to miss.

4 139. On several occasions, Plaintiff Luciano Morales (and other Plaintiffs and
5 employees) complained to Defendants' managers and supervisors that Defendants were
6 endangering the employees by ordering them to fight the fires and clear out fire debris when they
7 were not trained or certified to do so; that Defendants had failed to provide Plaintiffs with the
8 proper safety equipment; and that Defendants had failed to provide Plaintiffs with appropriate
9 safety training. However, Defendants completely ignored Plaintiffs' complaints.

10 140. After Plaintiffs complained to Defendants' supervisors and managers about
11 Defendants' unsafe business practices of forcing employees to fight the fires and clear out
12 burned-out areas without providing them with safety training or equipment, Plaintiffs'
13 relationship with Defendants became even more strained. Defendants began to engage in a
14 prolonged campaign of retaliatory acts towards Plaintiffs (and others) for having complained
15 about Defendants' illicit and unsafe business practices. Defendants' retaliatory actions towards
16 the Plaintiffs are substantial, as described previously herein and throughout the rest of this
17 Complaint.

18 **DEFENDANTS DELIBERATELY ENDANGER WORKERS BY FORCING THEM TO**
19 **WORK THROUGH MASSIVE WILDFIRES VIOLATING EVACUATION ORDERS**

20 141. Defendants also engaged in a pattern and practice of endangering their
21 employees' lives by ordering them to continue to work in areas where large wildfires were
22 actively burning, despite government authorities having issued mandatory evacuation orders for
23 the area. Defendants' actions were thus a violation of government regulations, including
24 Government Code section 8665 and Penal Code section 409.5. For example, Defendants
25 endangered Plaintiffs Gary Hernandez and Ricky Hernandez (and other Plaintiffs and
26 employees) by ordering them to continue to service assigned trash collection routes, even when
27 Defendants were aware that those routes took Plaintiffs dangerously close to burning large
28 wildfires and/or were in areas that were subject to mandatory evacuation orders.

1 142. When Plaintiffs informed Defendants that they could not continue to drive the
 2 assigned routes because government authorities had issued a mandatory evacuation for the area
 3 and had closed the roads, Defendants ordered Plaintiffs to disregard any safety signs posted by
 4 any local agencies stating that the roads were closed and continue to work. Defendants also
 5 ordered Plaintiffs to disregard any instructions from local agencies, such as police or firefighters,
 6 telling Plaintiffs to not continue to drive into the fires because it was not safe, which is also a
 7 violation of government laws and regulations, including Penal Code section 148.

8 143. Defendants' cruel disregard for their employees' safety, including Plaintiffs', is
 9 evidenced from the fact that even when Plaintiffs fearing for their lives notified Defendants that
 10 the fires were surrounding both sides of the road that they were driving on, Defendants
 11 nevertheless ordered Plaintiffs to continue to service their trash routes. When Plaintiffs asked for
 12 an explanation as to why Defendants were needlessly risking their (Plaintiffs') lives, Defendants'
 13 managers and supervisors repeatedly informed Plaintiffs that the routes needed to be serviced
 14 because important, wealthy and/or celebrity customers lived along those routes, including a well-
 15 known politician, a sports team executive, and a celebrity winemaker, amongst others.

16 144. On several occasions, Plaintiffs Gary Hernandez and Ricky Hernandez (and other
 17 Plaintiffs and employees) complained to Defendants' managers and supervisors that Defendants
 18 were improperly forcing them to service the houses where in active fire areas, and in defiance of
 19 the firefighters' and local agencies' orders to evacuate. After Plaintiffs complained to
 20 Defendants' supervisors and managers about Defendants' unsafe, illicit, and dangerous business
 21 practices, Plaintiffs' relationship with Defendants became even more strained. Defendants began
 22 to engage in a prolonged campaign of retaliatory acts towards Plaintiffs (and others) for having
 23 complained about Defendants' illicit business practices. Defendants' retaliatory actions towards
 24 the Plaintiffs are substantial, as described previously herein and throughout the rest of this
 25 Complaint.

26 **DEFENDANTS DELIBERATELY ENDANGER WORKERS BY FORCING THEM TO**
 27 **DRIVE GROSSLY OVERLOADED TRASH TRUCKS**

28 145. In addition to endangering the garbage truck drivers by having them drive through

1 roads and neighborhoods surrounded by fires, Defendants also endangered drivers, including
2 Plaintiffs, by forcing them to drive grossly overloaded trash trucks. Government regulations,
3 including Title 23, section 127 of the Unites States Code and California's Vehicle Code sections
4 35550 and 35551, require that vehicles, including garbage trucks, driving on the highway to not
5 carry more weight than the manufacturers' stated safe weight for the vehicle, which is based on
6 the number of axles in the vehicle, the distance between axles, and the vehicle's intended use.

7 146. Despite these government regulations, Defendants regularly ordered their garbage
8 truck drivers, including Plaintiffs, to overfill the garbage trucks while collecting garbage from
9 the public to avoid the need for more truck routes or additional trips for the trucks, and thus
10 improperly cut operating costs and increase profits. For example, some of Defendants' garbage
11 trucks were qualified for weights up to 28,000 pounds, but Defendants routinely instructed
12 drivers, including Plaintiffs, to exceed that weight when collecting garbage. Defendants' illegal
13 practice of overloading trucks endangered the garbage truck drivers and other employees because
14 the truck's excessive weight made it very difficult to steer and control the truck due to the
15 imbalance caused by the excessive weight. The danger caused by the drivers' inability to control
16 the truck was exacerbated by the fact that Defendants' drivers had to drive on Napa's
17 mountainous, narrow, and winding roads. Defendants' overloading of their vehicles also
18 increased the chances of catastrophic sudden tire failure and of the vehicle breaking down, thus
19 further endangering employees and other vehicles on the road.

20 147. Unsurprisingly, Defendants' dangerous practice of forcing employees to overload
21 trucks led to several accidents. On several occasions, drivers, including Plaintiffs, lost control of
22 the vehicle due to the overloading causing them to veer off the road and almost overturn the
23 truck. Additionally, on several occasions, some of the trucks caught fire in part due to the
24 excessive amount of trash and types of trash Defendants ordered its employees, including
25 Plaintiffs, to pick-up. On one occasion, Plaintiff Juan Manuel Carrillo's overloaded truck caught
26 fire, and he could not put it out until he reached Defendants' facility and was thus forced to drive
27 the truck while on fire. When Plaintiff complained about his truck catching on fire due to
28 Defendants' illegal directives, Defendants callously told him to "be more careful next time or go

1 find another job if you do not like the working conditions.”

2 148. Defendants’ dangerous practice of forcing employees to overload trucks was also
 3 dangerous because in order to force yet more trash into the trucks, employees had to frequently
 4 jump in the middle of the garbage in back of the truck and risk injury from the garbage truck’s
 5 machinery and/or from dangerous objects in the garbage. For example, per Defendants’ orders,
 6 Plaintiff Ricky Hernandez and Gary Hernandez (and other Plaintiffs and employees) had to
 7 frequently jump into the garbage inside the back of the truck and use a shovel to manually push
 8 down the trash to make room for more because the truck was already full and overweight, thus
 9 exposing themselves to injury by doing so.

10 149. On several occasions, Plaintiffs complained to Defendants’ managers and
 11 supervisors that Defendants were improperly forcing them to drive overweight trucks. After
 12 Plaintiffs complained about Defendants’ unsafe business practices, Plaintiffs’ relationship with
 13 Defendants became even more strained. Defendants began to engage in a prolonged campaign of
 14 retaliatory acts towards Plaintiffs (and others) for having complained about Defendants’ unsafe
 15 business practices. Defendants’ retaliatory actions towards the Plaintiffs are substantial, as
 16 described previously herein and throughout the rest of this Complaint.

17 **DEFENDANTS DELIBERATELY ENDANGER WORKERS BY FORCING THEM TO**
 18 **USE UNSAFE, POORLY MAINTAINED HEAVY MACHINERY**

19 150. In addition to endangering their garbage truck drivers by having them drive
 20 overweight trucks, Defendants also engaged in a pattern and practice of endangering employees,
 21 including Plaintiffs, by providing them with unsafe heavy machinery to use, including trucks,
 22 forklifts, packing machines, bulldozers, compressing machines, etc. Government regulations and
 23 codes, including Title 8, Section 3328 of the California Code of Regulations, requires that
 24 “machinery and equipment in service shall be . . . maintained as recommended by the
 25 manufacturer” and the “machinery and equipment in service shall be maintained in a safe
 26 operating condition.” Despite government requirements, Defendants deliberately failed to service
 27 and maintain the machines and heavy equipment used by Plaintiffs and other employees to
 28 improperly decrease operating costs and increase profits.

1 151. Throughout Plaintiffs' employment with Defendants, Defendants' heavy
2 machinery and equipment used by their employees suffered from numerous extremely serious
3 mechanical and electrical issues, including but not limited to, brake failures, broken hydraulic
4 systems, oil leaks, broken headlights, broken reverse alarms, broken defrosters, broken
5 windshield wipers, no air conditioning ("A/C"), smoking engines, failing brake lights, missing
6 seatbelts, missing seats, and/or bald tires. Whether individually or collectively, these mechanical
7 issues created unsafe work conditions for Plaintiffs and other employees whose safety in the
8 workplace depended on the reliability of Defendants' machinery and its safety features.

9 152. For example, Defendants' ongoing failure to properly service and maintain their
10 vehicles, including their garbage trucks led to many of their drivers being endangered by truck
11 fires, trucks tipping over, and trucks breaking down on the road. Specifically, on several
12 occasions, Defendants forced Plaintiffs Gary Hernandez, Ricky Hernandez, Juan Carrillo De La
13 Luz, and Juan Manuel Carrilo Sr. (and other Plaintiffs and employees) to drive poorly serviced
14 and maintained garbage trucks that were exceedingly dangerous to drive. On one occasion,
15 Plaintiff Juan Manuel Carrilo Sr.'s truck caught on fire while he was driving it, endangering his
16 health and his life. Similarly, on other occasions Defendants forced garbage truck drivers to drive
17 poorly serviced and maintained garbage trucks that led to some of their trucks tipping over on the
18 road because of the bald tires not being able to sustain the weight of the truck. Moreover,
19 Defendants also forced Plaintiff Gary Hernandez to drive poorly serviced and maintained
20 garbage trucks that led to his truck breaking down on the road because of the bald tires, poor
21 engines, and/or failure to maintain the suspension system.

22 153. Defendants' ongoing failure to properly service and maintain their vehicles,
23 including their garbage trucks, led to many of their drivers including Plaintiffs having to
24 frequently drive in inclement weather conditions in trucks that did not have the working
25 equipment necessary to drive in those conditions. Specifically, on several occasions, Defendants
26 forced drivers, including Plaintiffs Gary Hernandez and Ricky Hernandez, to drive in rainy
27 and/or foggy conditions common in winter in Napa in trucks without working defrosters or wiper
28 blades. As result, Defendants' employees, including Plaintiffs, were forced to drive large trucks

1 on Napa's often narrow, mountainous roads only having extremely limited visibility, thus
2 requiring drivers to further endanger themselves by driving with their heads sticking out of the
3 windows of their vehicles to see. Defendants' failures to maintain their equipment thus
4 endangered not only Plaintiffs, but also all other persons and vehicles on the road.

5 154. Defendants' failure to properly service and maintain their vehicles also forced
6 drivers, including Plaintiffs, to drive large trucks without working backup alarms as required by
7 government regulations. Title 8, section 1592 of the California Code of Regulations requires that
8 vehicle able to haul 2.5 cubic yards of materials must be equipped with a warning device that
9 automatically emits an alarm whenever the vehicle backs up. Despite government regulations,
10 Defendants failed to maintain working backup alarms on Defendants' large vehicles, such as
11 their garbage trucks. As result, Defendants forced employees to drive without working backup
12 alarms, thus endangering their employees, including Plaintiffs, as well as members of the public
13 that happened to be walking near the vehicle when it was in use.

14 155. Defendants' failure to properly service and maintain their heavy machinery and
15 equipment also led to their machinery, such as their packing machines, to regularly leak
16 substantial amounts of oil, creating a fire hazard, environmental pollution, and exposing
17 Plaintiffs and other employees to toxic fumes from the burning oil. Instead of appropriate serving
18 the faulty machinery as required by government regulations, Defendants' managers and
19 supervisors simply ordered employees, including Plaintiffs, to come up with improvised,
20 temporary fixes that also placed employees' safety at risk, such asking Plaintiffs, who were not
21 trained to make such repairs, to crawl under leaking heavy machinery and risk getting burned
22 with hot oil to place jury-rigged patches on the leaks and place canisters under the machines in
23 an attempt to prevent the oil leaks from spreading.

24 156. Additionally, Defendants' trucks and heavy-duty machines were typically so
25 improperly maintained that they regularly refused to start. Instead of properly fixing the
26 machines, Defendants simply ordered Plaintiffs, including Plaintiffs Romualdo Guzman and
27 Efrain Inda Verdin, to use large amounts of starter fluid to start the engines of trucks and
28 machines that refused to start due to poor maintenance. Starter fluid is highly flammable and

could easily catch on fire, severely harming Defendants' employees including Plaintiffs. By ordering employees to continuously use excessive amounts of starter fluid to start faulty equipment instead of fixing it, Defendants endangered employees' safety, including Plaintiffs.

157. On several occasions, Plaintiffs, including Luciano Morales, Pomilio Jacinto Altamirano Reyes, Ricky Hernandez, and Gary Hernandez (and other Plaintiffs and employees) complained to Defendants' managers and supervisors that Defendants were improperly maintaining the machines and equipment thus endangering them and other employees. However, Defendants ignored their complaints and/or met them with hostility. For example, on one occasion when Plaintiff Ricky Hernandez complained about being forced to drive a large garbage truck with completely bald tires and requested new tires for the truck, Defendants responded to his request by callously telling him: "when the tires pop, *then* you get new tires!"

158. After Plaintiffs complained to Defendants about their illicit and dangerous business practices, Plaintiffs' relationship with Defendants became even more strained. Defendants began to engage in a prolonged campaign of retaliatory acts towards Plaintiffs (and others) for having complained about Defendants' unsafe business practices. Defendants' retaliatory actions towards the Plaintiffs are substantial, as described herein.

**DEFENDANTS DELIBERATELY FALSIFY VEHICLE SAFETY DOCUMENTATION
INTENDED FOR GOVERNMENT INSPECTORS OR LAW ENFORCEMENT**

159. In addition to Defendants endangering their employees, including Plaintiffs, by failing to service and maintain their machinery, vehicles, and equipment, Defendants also engaged in a pattern and practice of falsifying documentation intended for government inspectors and/or law enforcement so as to hide the deplorable, unsafe condition of Defendants' vehicles and heavy machinery. For example, Defendants regularly ordered Plaintiffs and other employees to falsify the pre-trip inspection reports commercial drivers have to prepare before every work trip and were required to present to law enforcement or other government inspectors upon demand. Defendants specifically ordered employees, including Plaintiffs, to omit serious and dangerous mechanical problems from their vehicle inspection reports that Defendants were aware of, such as faulty brakes, bald tires, broken headlights, faulty steering, missing seatbelts,

1 broken windshield wipers and defoggers, etc. Defendants' deliberate falsification of vehicle
 2 inspection reports was a violation of government laws and regulations, including Title 13,
 3 section 215 of the California Code of Regulations; Title 49, sections 395.8, 396.11, and 396.13
 4 of the Code of Federal Regulations; as well as California Penal Code section 115.

5 160. On several occasions, Plaintiffs Gary Hernandez and Ricky Hernandez (and other
 6 Plaintiffs and employees) complained to Defendants' managers and supervisors that Defendants
 7 were forcing them to draft false pre-trip inspection reports, and that the vehicles that they were
 8 being asked to drive had serious mechanical issues that endangered them and other people and
 9 should be documented and that Defendants needed to fix. However, Defendants ignored
 10 Plaintiffs' complaints and reiterated their demands to Plaintiffs to draft the false inspections
 11 reports bluntly telling Plaintiffs that employees needed to comply with Defendants' fraudulent
 12 directives if they wished to continue to work for Defendants.

13 161. After Plaintiffs complained to Defendants' supervisors and managers about
 14 Defendants' illicit and fraudulent business practices, Plaintiffs' relationship with Defendants
 15 became even more strained. Defendants began to engage in a prolonged campaign of retaliatory
 16 acts towards Plaintiffs (and other employees) for having complained about Defendants' illicit
 17 and fraudulent business practices. Defendants' retaliatory actions towards the Plaintiffs are
 18 substantial, as described previously herein and throughout the rest of this Complaint.

19 **DEFENDANTS DELIBERATELY FALSIFY MANDATORY EMPLOYEE TRAINING**
 20 **DOCUMENTATION INTENDED FOR GOVERNMENT INSPECTORS**

21 162. Defendants also engaged in a pattern and practice of creating fraudulent
 22 documentation regarding mandatory training that they had failed to provide their employees,
 23 including Plaintiffs, and that had to be presented to government inspectors upon demand.
 24 Defendants engaged in these illegal practices to hide how little regard they had for employee
 25 safety and/or employee training from government inspectors, as well as to improperly increase
 26 profits and reduce costs by not having employees take time off from their duties to attend legally
 27 required employee training. Defendants' deliberate falsification of documents regarding
 28 employee training it failed to provide its employees, including Plaintiffs, was a violation of

government laws and regulations, including Title 27, Sections 20510 and 21600 of the California Code of Regulations, as well as California Penal Code section 115.

163. For example, on various occasions Defendants presented employees, including Plaintiffs Luciano Morales, Gary Hernandez, Ricky Hernandez, Juan Manuel Carrillo Sr., Filadelfo Romero Salazar (and other Plaintiffs and employees), with documents purportedly “acknowledging” that the employees had received safety and/or other employee training that Defendants had never provided them and then ordered the employees to sign the documents. On other occasions, Defendants even ordered Plaintiffs sign documents falsely attesting that they had attended a “safety training meeting” that had purportedly taken place at Defendants’ facilities, even though some of the Plaintiffs had been out working out in the field, and thus could not have attended any such meeting and had never received safety or other training.

164. On several occasions, Plaintiffs complained to Defendants’ managers and supervisors that Defendants were forcing them to sign documents falsely acknowledging that Defendants had provided them with employee training when they had not. However, Defendants ignored Plaintiffs’ complaints and reiterated their demands that Plaintiffs had to sign the documents if they wished to continue to work for Defendants.

165. After Plaintiffs complained to Defendants’ supervisors and managers about Defendants’ illicit and fraudulent business practices, Plaintiffs’ relationship with Defendants became even more strained. Defendants began to engage in a prolonged campaign of retaliatory acts towards Plaintiffs (and others) for having complained about Defendants’ illicit business practices. Defendants’ retaliatory actions towards the Plaintiffs are substantial, as described previously herein and throughout the rest of this Complaint.

DEFENDANTS DELIBERATELY ENDANGER WORKERS BY REFUSING THEM

ACCESS TO WATER AND SHADE DURING EXTREME HEAT

166. Defendants also engaged in a pattern and practice of endangering employees’ safety, including Plaintiffs, by denying them legally mandated access to water and shade. Government workplace regulations, including Title 8, Section 3395 of the California Code Regulations mandates that employers provide employees that work primarily outdoors

1 unimpeded access to drinking water, access to shade, and the discretion to take unimpeded cool-
2 down breaks, particularly during periods of high heat. Despite these government regulations,
3 Defendants refused to allow Plaintiffs and other employees who worked primarily outdoors in
4 Defendants' Clover Flat and Whitehall Lane Facilities located in California's Napa Valley where
5 summer temperatures regularly exceed 100 degrees Fahrenheit.

6 167. In fact, Defendants' supervisors and managers reprimanded Plaintiffs and other
7 employees for going to get a drink of water and/or for taking a cool-down break under the shade
8 of a truck, bulldozer, or shed nearby even on very hot days. Defendants' supervisors and
9 managers told Plaintiffs and other employees that believed that such breaks were unnecessary
10 and often warning employees that employees who took those breaks were "stealing from the
11 company," or words to that effect. Defendants engaged in these illegal practices because they
12 had no regard for employees' safety and the danger posed by heat illness, as well as to
13 improperly increase profits and reduce costs by not having employees take time off from their
14 duties to drink water, cool down, and/or use the restroom.

15 168. On several occasions, Defendants' employees, including Plaintiffs Luciano
16 Morales, Juan Carrillo de la Luz, (and other Plaintiffs and employees) complained to
17 Defendants' managers and supervisors that Defendants were improperly refusing them access to
18 drinkable water and denying them their cool-down breaks. However, Defendants either ignored
19 their complaints or chastised Plaintiffs for asking for such breaks.

20 169. After Plaintiffs complained to Defendants' supervisors and managers about
21 Defendants' unsafe and illicit business practices of not giving employees access to water and
22 shade, Plaintiffs' relationship with Defendants became even more strained. Defendants began to
23 engage in a prolonged campaign of retaliatory acts towards Plaintiffs (and others) for having
24 complained about Defendants' unsafe business practices. Defendants' retaliatory actions towards
25 the Plaintiffs are substantial, as described previously herein and throughout the rest of this
26 Complaint.

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**DEFENDANTS ENDANGERED WORKERS BY REFUSING THEM USE OF THE
RESTROOM WITHOUT JUSTIFICATION**

170. In addition to failing to provide employees with cool-down breaks and access to drinking water, Defendants also engaged in an illegal pattern and practice of failing to provide employees, including Plaintiffs, with unimpeded access to clean and properly maintained restroom facilities without any justification for their denial. Defendants' failure to allow employees reasonable access to restrooms violated government regulations, including Title 8, Section 3364 of the California Code Regulations.

171. For example, Defendants maliciously and regularly refused to allow Plaintiffs Gary Hernandez, Ricky Hernandez, Romualdo Guzman, Jose Lopez Guzman, Pomilio Jacinto Altamirano Reyes, Juan Carrillo de la Luz (and other Plaintiffs and employees) access to restroom facilities during work hours, even though Plaintiffs' use of the toilet facilities was reasonable, was not disruptive to Defendants' business operations, and there were many other employees available to cover for Plaintiffs while they used the restroom facilities.

172. On several occasions, Plaintiffs complained to Defendants' managers and supervisors that Defendants were improperly refusing them access to restrooms, but Defendants simply ignored Plaintiffs' complaints or chastised them for complaining.

173. After Plaintiffs complained to Defendants' supervisors and managers about Defendants' unsafe and illicit business practices of not giving them access to the restroom, Plaintiffs' relationship with Defendants became even more strained. Defendants began to engage in a prolonged campaign of retaliatory acts towards Plaintiffs (and others) for having complained about Defendants' unsafe business practices. Defendants' retaliatory actions towards the Plaintiffs are substantial, as described previously herein and throughout the rest of this Complaint.

**DEFENDANTS RETALIATE AFTER PLAINTIFFS COMPLAIN TO GOVERNMENT
AUTHORITIES ABOUT DEFENDANTS' ILLICIT BUSINESS PRACTICES**

174. In addition to their internal complaints, Plaintiffs also made several complaints to various government agencies about Defendants' illicit, unethical, and unsafe business practices.

On or about December 3, 2023, a group of 24 employees and former employees, including Plaintiffs Gary Hernandez, Luciano Morales, Ricky Hernandez, Juan Manuel Carrillo De La Luz, Armando Reyes, Efrain Verdin, Eliseo Reyes, Elias Hernandez, Martin Carrillo De La Luz, Javier Moreno, Pedro Reyes, Pedro Aguilar, Pompilio Reyes, Juan Carrillo De La Luz, Pablo Carrillo, Carlos Cardenas, Jose Lopez, Geronimo Lopez, Efren De Anda, and Juan Manuel Carrillo Sanchez, filed a joint complaint with the California Environmental Protection Agency, the U.S. Department of Justice, the California Department of Forestry and Fire Protection, the California Fish & Wildfire Department, the California Civil Rights Department and the California Department of Industrial Relations. Plaintiffs' complaints included among other things, complaints regarding Defendants' health and safety workplace violations, Defendants' for complaining about the hazardous work conditions, Defendants' lack of maintenance to the vehicles and heavy work equipment, Defendants' discrimination towards employees, Defendants' illicit practices of contaminating the environment and the community, Defendants' practice of endangering employees, including Plaintiffs, by forcing them to work putting out fires without proper training or protective equipment.

175. After Plaintiffs complained to government authorities about Defendants' unsafe, illicit, and unethical business practices, Plaintiffs' relationship with Defendants became even more strained. Defendants began to engage in a prolonged campaign of retaliatory acts towards Plaintiffs for having complained about Defendants' unsafe business practices. Defendants' retaliatory actions towards the Plaintiffs are substantial, as described previously herein and throughout the rest of this Complaint.

DISABILITY DISCRIMINATION & FAILURE TO ACCOMMODATE

176. In addition to Defendants' failure to provide a safe workplace and their engagement in retaliatory treatment of their employees, including Plaintiffs, Defendants also engaged in illegal and pervasive discrimination towards their disabled employees and employees associated with disabled individuals, including Plaintiffs. As result of Defendants' unsafe work conditions, many of Defendants' employees suffered injuries during the performance of their jobs, including but not limited to, Plaintiffs Armando Reyes, Romualdo Guzman, Francisco

1 Bautista, Juan Manuel Carrillo Sr., Luciano Morales, and Pedro Reyes. After Plaintiffs promptly
 2 informed Defendants of their disabilities and need for accommodation, Defendants failed to
 3 schedule good-faith interactive meetings and failed to accommodate Plaintiffs in good faith.
 4 Instead, Defendants simply disregarded Plaintiffs' complaints and refused to provide them with
 5 reasonable accommodations, despite being aware of Plaintiffs' injuries, and/or medical
 6 conditions and resulting disabilities.

7 177. Moreover, after employees, including Plaintiffs, reported their medical conditions
 8 and resulting disabilities to Defendants, Defendants engaged in a pattern and practice of
 9 retaliating against disabled employees, including Plaintiffs, by cutting their work hours, paying
 10 them for less hours than they worked, punishing them with more physically demanding work
 11 tasks, giving them pretextual warnings and other undeserved discipline, and/or terminating them,
 12 among other retaliatory adverse employment actions described herein.

13 178. For example, after Plaintiff Juan Manuel Carrillo Sr. suffered a workplace injury
 14 to his eye as result of waste material getting in his eye, he promptly reported the injury to
 15 Defendants' managers and supervisors. Because Plaintiff Juan Manuel Carrillo Sr.'s eye injury
 16 affected his ability to see and work, among other major life activities, he was disabled under
 17 California law. Despite Plaintiff Juan Manuel Carrillo Sr. diligently reporting his injuries to
 18 Defendants and requesting reasonable accommodation, such as taking time off work to seek
 19 medical treatment and recuperate from his injury, Defendants failed to schedule a good-faith
 20 interactive meeting and failed to accommodate or discuss accommodating Plaintiff. Instead,
 21 without regard for his medical condition, Defendants blatantly refused Plaintiff's request for
 22 reasonable accommodation. Defendants then threatened that if Plaintiff took time off work,
 23 Defendants would reduce his pay, discipline him, and/or terminate him.

24 179. Similarly, on several occasions Plaintiff Francisco Bautista's reported to
 25 Defendants' managers and supervisors that his wife suffered from renal failure. Because Plaintiff
 26 Francisco Bautista's wife's renal failure affected her ability to eat, breathe, and work, among
 27 other major life activities, she was disabled under California law. Despite Plaintiff Francisco
 28 Bautista diligently reporting his wife's medical condition to Defendants and requesting

1 reasonable accommodations, such as taking time off work to take his wife to medical
 2 appointments and/or otherwise care for his disabled wife, Defendants failed to schedule a good-
 3 faith interactive meeting and did not discuss accommodating Plaintiff in good faith with him.
 4 Instead, without regard for his wife's medical condition, Defendants blatantly refused Plaintiff's
 5 request for accommodations such as taking time off work to assist and/or care for his disabled
 6 wife. Defendants then threatened if Plaintiff took any time off to care for his sick wife,
 7 Defendants would reduce Plaintiff's pay, discipline him, and/or terminate him.

8 180. Additionally, after Plaintiff Luciano Morales suffered a severe back injury, he
 9 promptly reported his injury to Defendants' managers and supervisors. Because Plaintiff Luciano
 10 Morales' severe back injury affected his ability to stand, walk, and work, among other major life
 11 activities, he was disabled under California law. Despite Plaintiff Luciano Morales diligently
 12 reporting his medical condition to Defendants and requesting reasonable accommodations, such
 13 as taking time off work to seek medical treatment and recuperate from his injury, Defendants
 14 never scheduled a good-faith interactive meeting and did not discuss accommodating Plaintiff in
 15 good faith with him. Instead, without regard for his medical condition, Defendants blatantly
 16 refused Plaintiff's request for reasonable accommodation of taking time off work. Defendants
 17 then threatened if Plaintiff took any time off to care for his disability, Defendants would reduce
 18 Plaintiff's pay, discipline him, and/or terminate him.

19 181. Similarly, after Plaintiff Juan Carrillo de la Luz suffered from a workplace injury
 20 to his hand and tendon after he was cut while separating metal at Defendants' facility, he
 21 promptly reported his injury to Defendants' managers and supervisors. Because Plaintiff Juan
 22 Carrillo de la Luz's hand and tendon injury affected his ability to grab and work, among other
 23 major life activities, he was disabled under California law. Despite Plaintiff Juan Carrillo de la
 24 Luz diligently reporting his hand injury to Defendants and requesting reasonable
 25 accommodations, such as taking time off work to seek medical treatment and recuperate from his
 26 injury, Defendants never scheduled a good-faith interactive meeting and did not discuss
 27 accommodating Plaintiff in good faith with him. Instead, without regard for his medical
 28 condition, Defendants blatantly refused Plaintiff's request for accommodations, such as taking

time off work for his disability. Defendants then threatened if Plaintiff took any time off to care for his disability, Defendants would reduce Plaintiff's pay, discipline him, and/or terminate him.

182. After Plaintiffs complained about Defendants' failure to provide them with reasonable accommodations and about Defendants' discriminatory, hostile, and retaliatory treatment, Defendants' hostile treatment towards the disabled and injured Plaintiffs increased. Defendants subjected Plaintiffs' work to unfair scrutiny, whereby Defendants' supervisors and managers falsely and in bad faith criticized and denigrated Plaintiffs' work and berated and yelled at Plaintiffs for any reason no matter how trivial and placed Plaintiffs in more physically demanding and less desired work assignments, among other retaliatory actions, as punishment.

183. Seeing that Defendants' failure to provide the injured and disabled Plaintiffs with reasonable accommodations, some of the Defendants' other employees, including the some of the other Plaintiffs tried to assist them with the heavy tasks Defendants had assigned them that were causing them pain. Upon seeing other employees, including Plaintiffs, were helping the injured and disabled Plaintiffs with heavy tasks, Defendants specifically ordered Plaintiffs and other employees not to assist the injured and disabled Plaintiffs with *any* tasks and insisted that the injured Plaintiffs perform all duties by themselves, despite knowing that they were injured, in pain, and that the heavy tasks they assigned to them could be reassigned to other employees without causing Defendants undue hardship.

**DEFENDANTS ENGAGE IN EGREGIOUS RACIAL DISCRIMINATION &
HARASSMENT TOWARDS LATINO WORKERS**

184. Defendants also had a pattern and practice of knowingly and brazenly providing preferential treatment to non-Latino employees and treating Plaintiffs and other employees with hostility based on their race, nationality, immigration status, and/or ability to speak English, among other characteristics protected by law.

185. Throughout Plaintiffs' employment with Defendants, Defendants' managers and supervisors, including the individual Defendants, repeatedly made derogatory and racist comments to Plaintiffs and other employees intimating that Latinos, immigrants, and/or those of Mexican descent were an inferior and lazy race, including but not limited to, calling them words

1 akin to: “bunch of animals,” “idiots,” and “motherfuckers.” Additionally, Defendants’
 2 supervisors taunted Plaintiffs and other employees by regularly making hostile and racist
 3 remarks directly stating or intimating that Plaintiffs and other employees must be criminals
 4 because they were Latinos, of Mexican descent, and/or were immigrants. For example,
 5 Defendants regularly referred to Plaintiffs and other Latino and/or Mexican employees as
 6 “narcos,” “drug addicts,” “gang-members,” and “gangsters,” among other racist names.

7 186. Defendants’ supervisors also made racist and mocking remarks directly stating or
 8 intimating that Plaintiffs and other ethnically Latino employees were of low intelligence because
 9 they were Latinos, of Mexican descent, and/or were immigrants. For example, Defendants
 10 regularly called Plaintiffs “worthless,” “stupid,” and “Oaxaquitas,” (a Spanish term referring to
 11 people from the predominantly indigenous Oaxaca region of Mexico) among other racist
 12 remarks. In addition, Defendants’ supervisors also made disgusting, patronizing comments
 13 implying that Latino employees, including Plaintiffs, had no purpose other than to work because
 14 Latino employees tend to engage in criminal behavior when not working, such as: “I don’t like to
 15 give Mexicans time-off because all they do is go to Mexico and get drunk,” and “those people
 16 [Latinos] are only here to work the system.” Plaintiffs were extremely offended by Defendants’
 17 unwelcome, degrading, and racist comments.

18 187. Defendants’ supervisors, including Defendant Christina Pestoni Abreu, also made
 19 hostile and mocking remarks about the fact that Spanish-speaking Plaintiffs (and other
 20 employees) would speak Spanish to other Latino employees, even going as far as mocking the
 21 employees’ accents. Defendants’ managers and supervisors frequently instructed Plaintiffs and
 22 other employees not to speak Spanish together while working. In fact, Defendants’ supervisors,
 23 including Defendant Christina Pestoni, bluntly told employees, including Plaintiffs, that the *only*
 24 language employees were allowed to speak at work was English. Moreover, Bob Pestoni made it
 25 known that he believed that he could control the Latino employees, saying words akin to “I
 26 control these (Latino) people and can get them to do whatever I want.”

27 188. In addition to making demeaning, offensive, racist remarks towards Latino,
 28 Mexican, and immigrant employees, including Plaintiffs, Defendants also gave preferential

1 treatment to their non-Latino, non-Mexican, and/or non-immigrant employees, such as ethnically
2 Caucasian and white employees. For example, Defendants gave non-Latino employees and/or
3 non-immigrant employees that Defendants perceived to be “more American” favored and/or
4 easier job assignments or tasks, while assigning Latino, Mexican, and/or immigrant employees,
5 more physically demanding, heavier, and/or more tedious and disfavored work tasks or
6 assignments. In addition, Defendants also improperly gave non-Latino, non-immigrant
7 employees preferential work schedules, reserving coveted shifts, additional shifts, and/or more
8 work hours for non-Latino, non-Mexican, and/or non-immigrant employees.

9 189. For example, Defendants’ supervisors reserved coveted work assignments for
10 white, American-born workers, such as shorter trash collection routes for the white drivers that
11 took less time to complete, and/or trash routes that were in less remote areas or otherwise were
12 not as difficult to access. Defendants also assigned more technical job assignments, such as
13 operating machinery for white, American-born workers while assigning more physically
14 demanding, dirtier, and more dangerous manual labor tasks to Latino and/or immigrant workers,
15 including Plaintiffs, such as digging dirt, shoveling and moving compost, sorting waste,
16 manipulating toxic smelly leachate, etc. Defendants also demanded that Latino employees,
17 including Plaintiffs, do more physically dangerous work tasks, such as improperly forcing them
18 to put out fires and/or to clear fire debris whenever fires threatened Defendants’ facilities—a
19 dangerous task that Defendants did not require white employees to do.

20 190. In addition to discriminatorily reserving coveted job assignments for white,
21 American-born employees, Defendants also modified the terms and conditions of their work
22 environment to make it easier for white employees compared to Latino and/or immigrant
23 employees, including Plaintiffs. For example, Defendants regularly approved white employees’
24 requests for vacation or time off while Defendants regularly denied similar requests from Latino
25 and/or immigrant employees, including Plaintiffs. Defendants also generally did not require
26 white employees to work forced overtime, particularly around the holidays, while forcing Latino
27 and/or immigrant employees, including Plaintiffs, to regularly work forced overtime. In addition
28 to providing white employees with coveted job assignments, Defendants also gave white workers

1 better, less dangerous equipment, such as newer trucks, heavy machinery, and other equipment
2 necessary to carry out their job duties, while giving Latino and/or immigrant employees,
3 including Plaintiffs, the oldest, least reliable, and most dangerous equipment. Similarly,
4 Defendants routinely approved white employees' requests for assistance with their duties or
5 equipment, while regularly denying similar requests from Plaintiffs and other Latino employees.

6 191. Even when both whites and Latino and/or immigrant employees performed the
7 same job assignments, Defendants discriminatorily held Latino workers to an unfair higher
8 standard. For example, Defendants permitted white drivers to rest in the breakroom until their
9 shift was over (while still on the clock and being paid) after the drivers had completed their route
10 picking up trash, whereas Defendants required that Latino and/or immigrant drivers, including
11 Plaintiffs, to drive back out after completing their routes to "assist" other drivers complete theirs.
12 In addition, Defendants also regularly refused to allow Latino and/or immigrant drivers, Latino
13 and/or immigrant employees, including Plaintiffs, to stop during their routes to use the bathroom
14 or get water to drink claiming that the stops caused "too many delays" in completing the routes.
15 In contrast, Defendants gave white drivers the discretion to stop whenever they wanted without
16 repercussion.

17 192. In stark contrast to their favored treatment for non-Latino, non-immigrant,
18 employees, Defendants' supervisors often blamed perceived deficiencies in employees' job
19 performance on the fact that the employees, including Plaintiffs, were foreigners, immigrants, of
20 Latino and/or Mexican descent. Frequently, Defendants would unfairly blame Latino, Mexican,
21 and/or immigrant employees, including Plaintiffs, for mistakes non-Latino employees had made.
22 Defendants would also unfairly blame Latino, Mexican, and/or immigrant employees for work
23 tasks that had not been completed by other employees—often openly blaming Latino employees'
24 "laziness" as the reason a task had not been completed. In short, Defendants regularly targeted
25 Latino, Mexican, and/or immigrant employees, including Plaintiffs, by cutting their hours, giving
26 them disfavored, dangerous, and more physically demanding work assignments, giving them the
27 worst equipment, holding them to a higher discriminatory standard, giving the employees
28

undeserved warnings, write-ups, and other discipline, including termination, and making changes to the work environment to make it extremely hostile for the targeted Latino employees.

193. Throughout their employment with Defendants, Plaintiffs repeatedly complained about Defendants' discriminatory race-based, ethnic-based, and/or immigration status based preferential treatment and racist comments to Defendants. However, Defendants disregarded, downplayed, and failed to adequately and properly investigate Plaintiffs' and other employees' complaints and failed to take any action to stop the discriminatory practices. Instead, Defendants' managers and supervisors would laugh off the other supervisors' offensive, racist, discriminatory conduct and would even join in insulting the Latino employees.

194. After Plaintiffs complained, Defendants targeted Plaintiffs for retaliation and intimidation to punish them and other employees who had complained about Defendants' discriminatory business practices, and/or who supported the Latino, Mexican, and/or immigrant victims of Defendants' discrimination and retaliation in order to silence Plaintiffs and other employees into not making further complaints in the future.

**DEFENDANTS ENGAGE IN DISCRIMINATORY AND RETALIATORY
IMMIGRATION PRACTICES TO HIDE THEIR MISCONDUCT**

195. Defendants also had a pattern and practice of using immigration-related practices in an unfair, discriminatory, and/or retaliatory manner. Specifically, Defendants used immigration practices to target Latino employees that they perceived to be immigrants for retribution when they perceived those employees to be troublesome, undesirable, and/or unreliable, such as injured and disabled workers, and/or who asked for accommodations, and/or complained about Defendants' unsafe, harassing, discriminatory, and/or illicit and unsafe business practices, including Plaintiffs. Defendants did this because they believed they could intimidate and take advantage of their predominately blue-collar, lower-educated Latino workforce with its long history of fear of immigration-related reprisals by employers and government authorities.

196. Throughout Plaintiffs' employment with Defendants, Defendants repeatedly threatened to call immigration enforcement, among other illegal immigration-related threats, to

intimidate and dissuade Plaintiffs and other employees from complaining and/or punish the employees, including Plaintiffs, for complaining about Defendants' illicit and/or discriminatory business practices. For example, on or about May 2024, Defendants' senior management, including Defendant Christina Pestoni angrily called a meeting with employees in order to question employees to determine which of the employees had made complaints to various government agencies about Defendants' illicit, discriminatory, unethical, and unsafe business practices, including misuse of toxic leachate, illegal dumping of hazardous waste into the tributaries, and dumping hazardous waste in the Clover Flat landfill without the proper permit, among other complaints. At the meeting, Defendant Christina Pestoni Abreu specifically threatened employees, including Plaintiffs, with immigration-related reprisals for having complained, bluntly telling employees that those employees who complained would "*not* be getting their papers," and would "get in trouble" with government authorities.

**DEFENDANTS THREATEN EMPLOYEES WITH CRIMINAL CHARGES IF THEY
DISCLOSE OR COMPLAIN ABOUT DEFENDANTS' ILLICIT PRACTICES**

197. In addition to their use of immigration-related threats to silence employees, Defendants also had a pattern and practice of using illegal criminal threats against employees, including Plaintiffs, in order to intimidate employees into not disclosing Defendants' illicit, unethical, and dangerous practices. Defendants' criminal threats to their employees to hide their wrongdoing were a violation of government regulations, including California Penal Code sections 518, 519 and 136.1. Throughout Plaintiffs' employment, Defendants regularly made criminal threats whenever they believed or suspected that Plaintiffs were going to disclose information about Defendants' illegal practices to government authorities. For example, as result of Defendants' practice of illegally taking in hazardous waste, fires regularly broke out at Defendants' facilities. When fires broke out, Defendants specifically forbade employees, including Plaintiffs, from calling the fire department to report the fires. Similarly, Defendants also forbade Plaintiffs from calling paramedics whenever employees, including Plaintiffs, received workplace injuries often caused by Defendants' unsafe and dangerous business practices described above.

198. In order to dissuade Plaintiffs and other employees from reporting Defendants' unlawful practices to authorities, Defendants repeatedly made threats to them directly stating or intimating that Plaintiffs and other employees could be arrested and/or criminally charged if they reported Defendants' wrongdoing. For example, Defendants told Plaintiffs that if they reported anything that "they will go to jail," "be deported," "get in trouble" with the police, among other threatening comments. In order to underscore their illegal criminal threats to Plaintiffs and other employees, Defendants also told them that Defendants and the St. Helena Police Department and the Napa County Sheriff's Department had "a special relationship," and that the law enforcement agencies would "always protect" Defendants should any employee report any of Defendants' illegal practices. As result of Defendants' threatening comments, Plaintiffs and other employees became extremely fearful and oftentimes refrained from reporting Defendants' wrongdoing as well as workplace emergencies.

**DEFENDANTS ENGAGE IN A LITANY OF RETALIATORY ACTIONS TOWARDS
TARGETED DISFAVORED EMPLOYEES**

199. Throughout Plaintiffs' employment, Defendants' managers and supervisors used their management and supervisory positions to retaliate against employees that they deemed troublesome and/or unreliable, such as injured and disabled workers, and/or who asked for accommodations, and/or complained about Defendants' unsafe, harassing, discriminatory, and/or illicit and unsafe business practices, including Plaintiffs. Defendants thus retaliated against targeted employees, including Plaintiffs, by engaging a variety of hostile acts towards them that individually or collectively constitute adverse employment actions.

200. For example, Defendants retaliated against Plaintiffs by pretextually disciplining Plaintiffs; denying them promotions; reducing their work hours; punishing them by reassigning them to less desirable and more physically demanding jobs; punishing them by forcing them to perform dangerous jobs such as fighting fires and clearing fire debris without appropriate training or protective equipment; deliberately exposing them to toxic, biohazardous, and radioactive waste; ordering them to use toxic leachate to wash vehicles, heavy equipment, and machines; refusing them reasonable access to drinking water, restrooms, and shade; punishing

1 them by demanding that they show up to work for scheduled shifts and then sending them home
 2 without justification or pay; threatening to terminate them or actually terminating them; and/or
 3 threatening them with deportation, jail time, or other negative legal consequences.

4 201. Defendants also retaliated against Plaintiffs and other targeted employees by
 5 endangering their safety and forcing them to use (the most) unsafe vehicles and most poorly
 6 maintained heavy equipment in order to punish them for complaining. Defendants engaged in
 7 egregious retaliatory conduct because they were aware that employees, including Plaintiffs, were
 8 financially vulnerable and depended on their employment with Defendants to support themselves
 9 and their families. As result of their numerous retaliatory acts, Defendants created an oppressive
 10 and intimidating work environment for employees rife with fear of reprisals.

11 **DEFENDANTS PUNISH EMPLOYEES WHO ASSOCIATE WITH OTHERS WHO**
 12 **BELONG TO PROTECTED GROUPS OR ENGAGE IN PROTECTED ACTIVITIES**

13 202. Throughout their employment with Defendants, Plaintiffs regularly associated
 14 with other employees including other Plaintiffs who made complaints of race and/or disability
 15 harassment, and other types of harassment; complaints of race and/or disability discrimination;
 16 who had requested accommodations; who complained about the lack of accommodations; and/or
 17 made other complaints about Defendants' illicit, unsafe, and/or discriminatory business
 18 practices. As result of their association with other employees, including other Plaintiffs, who
 19 were discriminated and/or retaliated against, Defendants also subjected the employees who
 20 associated with the aggrieved employees to discriminatory and retaliatory adverse employment
 21 actions as punishment for that association. For example, because Defendants knew that Plaintiffs
 22 associated with other employees who made protected complaints related to Defendants' ongoing
 23 harassment, retaliation, and discrimination, and also knew that Plaintiffs had supported their
 24 complaints, Defendants also targeted Plaintiffs for retaliation and intimidation in an effort to
 25 punish victims for having made complaints against them, and to punish those employees who
 26 associated with and supported the victims, and to attempt to silence Plaintiffs and other victims
 27 of Defendants' illicit business practices and keep them from coming forward out of fear.

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DEFENDANTS SUBJECT EMPLOYEES TO UNLAWFUL PEONAGE

203. Defendants also engaged in a pattern and practice of forcing employees to provide services to them without paying them a proper wage. Defendants viewed and treated the vulnerable, blue-collar, typically immigrant Latino employees, including Plaintiffs, as their own personal servants or peons. As result, Defendants, engaged in illegal peonage, in violation of government laws and regulations, including Title 42, Section 1994 of the United States Code.

204. Specifically, throughout Plaintiffs' employment, Defendants used Plaintiffs as a captive subservient labor force without any rights. As described above, Defendants enforced their disgusting oppressive views of Plaintiffs through mixture of intimidation and coercion via vicious threats and retaliatory acts often so egregious as to callously endanger the lives, health, and safety of Plaintiffs and others who were similarly situated. Unsurprisingly, given their dismissive views of Plaintiffs, Defendants treated them as *de facto* indentured servants who had to comply with all of Defendants' directives or face deportation, criminal charges, eviction (*e.g.*, several employees and Plaintiffs lived on Defendants' properties), and/or other serious consequences. In particular, although Plaintiffs were purportedly laborers in Defendants' waste processing facilities, Defendants regularly 'lent' out Plaintiffs to wealthy friends and associates to perform free labor for those associates. For example, Defendants regularly ordered Plaintiffs to work in Pestoni Vineyard harvesting grapes, working in its fields, and bottling wine. Moreover, Defendants regularly ordered Plaintiffs and other employees to clean up and perform gardening in Christina Pestoni's home and their friends' homes, wash the Pestoni's personal cars, etc. In addition, Defendants also repeatedly sent Plaintiffs to work as servants during high-society parties hosted by Defendants' friends and associates. On other occasions, Defendants forced Plaintiffs to perform free construction work for Defendants' friends and associates, such as repairing fences, recementing driveways, etc. Plaintiffs, including Plaintiff Joise Mendez Avendano (as well as other Plaintiffs and employees), believed that they had no alternative but to perform labor to pay off their living expenses and debts owed to Defendants, including the Pestoni Family, and thus capitulated to Defendants' abusive demands.

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WAGE AND HOUR VIOLATIONS

205. In addition to all the foregoing, Defendants also had an illegal pattern and practice of not paying employees, including Plaintiffs, their proper wages.

206. Throughout Plaintiff's employment, Defendants required Plaintiffs to continue working over eight (8) hours in a day and over forty (40) hours a week and failed to pay Plaintiffs for these additional hours. Towards the end of their shifts, Defendants regularly instructed Plaintiffs to finish all work assigned by Defendants and/or to continue to "assist" other employees, even though it was already after the scheduled end of their shift. Defendants thus obligated Plaintiffs to stay beyond their regular shifts and continue working without pay. Defendants warned Plaintiffs and other employees that if they left before completing all their work, even though they were "off the clock," that they would be disciplined and/or terminated.

207. Similarly, Defendants frequently demanded that Plaintiffs and other employees arrive at work and start working before the scheduled start of their shifts. According to Defendants, Plaintiffs and other employees had to complete administrative, housekeeping, and/or preparatory tasks required to being their work on their (the employees') own time before the start of their shift. As result, Plaintiffs and other employees had to arrive significantly early in order to prepare reports and/or other necessary paperwork, perform visual inspections and maintenance on Defendants' vehicles and machinery, locate and prepare tools, among other preparatory tasks.

208. Defendants were aware at all times that the amount of work they assigned to Plaintiffs and other employees could not be completed during their assigned shifts and was thus a ploy by Defendants to force Plaintiffs and other employees to work "off the clock," and thus presumably not have to pay the employees their correct wages or overtime.

209. Despite being tasked to work long hours by Defendants, Plaintiffs and other employees were not compensated for the overtime hours they worked. Frequently, Defendants only paid Plaintiffs and other employees for eight (8) hours in a day when they had worked longer than eight (8) hours a day. Other times, Defendants paid employees, including Plaintiffs, less than eight hours in a day when they had worked more.

210. Moreover, as discussed above, Defendants frequently demanded that Plaintiffs

1 and others perform free labor for Defendants' wealthy friends and associates, and did not pay
2 them for their work even though Plaintiffs remained under Defendants' control when they
3 performed work for Defendants' associates.

4 211. Despite usually working shifts of over eight hours in a day for Defendants,
5 Defendants did not usually allow Plaintiffs to take meal breaks or rest breaks. Instead,
6 Defendants ordered Plaintiffs to run errands, move supplies, work on vehicles, and/or clean the
7 work area, among other work tasks. Other times, Defendants simply demanded that Plaintiffs
8 keep performing their normal duties and forego their breaks altogether. As result, Plaintiffs often
9 ate their lunches as they worked. On those few occasions when Defendants provided Plaintiffs
10 with meal breaks or rest breaks, Defendants frequently interrupted them and ordered Plaintiffs to
11 work through their meal and/or rest breaks. Defendants did not pay Plaintiffs for the meal and
12 rest breaks that they did not allow Plaintiffs to take.

13 212. When Defendants provided Plaintiffs with paystubs, the paystubs were inaccurate
14 because they reflected less hours and/or other wages than Plaintiffs had worked and earned.

15 213. On numerous occasions, Plaintiffs and other employees complained to Defendants
16 about their failure to pay them their correct wages, but Defendants took no action to address the
17 complaints and continued to interrupt Plaintiffs' and other employees' breaks without pay and
18 continued to force Plaintiffs and other employees to work "off the clock" without pay.

19 214. In addition, after Plaintiffs and other employees complained to Defendants
20 regarding their wages, Defendants treated Plaintiffs with hostility, yelled at them, mocked them,
21 and made derisive remarks towards them. For example, when Plaintiffs complained about their
22 wages, Defendants told Plaintiffs "you don't have to work here" and "you're lucky to have this
23 job," among other hostile remarks.

24 215. After Plaintiffs complained about Defendants' illicit business practice of not
25 paying them their correct wages, Plaintiffs' relationship with Defendants became even more
26 strained. Defendants engaged in a prolonged campaign of retaliatory acts towards Plaintiffs (and
27 others) amply described above.

28 ///

UNEQUAL PAY VIOLATIONS

216. Defendants also engaged in discriminatory pattern and practice of paying non-Latino employees more than Latino employees on the basis of their race and/or ethnicity, including the Latino Plaintiffs, for performing substantially the same work that Plaintiffs performed.

FIRST CAUSE OF ACTION

**Independent Violation of Violation of the Civil Rights Act of 1866 & 42 U.S.C. 1983
(All Plaintiffs Against All Defendants and DOES 1-50)**

217. Plaintiff hereby incorporates by reference all paragraphs above, as if fully set herein by reference.

218. Section 1 of the Civil Rights Act of 1866 which is grounded in the Thirteenth Amendment states as follows:

219. “That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.”

220. Defendants had a pattern and practice of engaging in unlawful employment practices in violation of the Civil Rights Act of 1866, *as amended*, 42 U.S.C. § 1981 by taking adverse employment actions against Plaintiffs, such as terminating them from their positions, demoting them, forcing the Plaintiffs to work in unsafe conditions, and providing Plaintiffs with physically demanding and dirty jobs.

221. Plaintiffs are informed and believe and based thereon allege that their

1 race/nationality was a substantial motivating factor in Defendants' decision to take adverse
 2 employment actions against Plaintiffs, in violation of Civil Rights Act of 1866, *as amended*, 42
 3 U.S.C. § 1981.

4 222. Plaintiffs, and other employees are racial minorities and members of a protected
 5 class or associated with and involved in protecting a member of a protected class, Plaintiffs were
 6 discriminated and or retaliated against for engaging in protected activities, and they were treated
 7 differently than white citizens and similarly situated persons.

8 223. As a proximate result of Defendants' wrongful conduct, and each of them,
 9 Plaintiffs have suffered and continue to sustain substantial losses in earnings and other
 10 employment benefits in an amount according to proof at the time of trial.

11 224. As a proximate result of Defendants' wrongful conduct, and each of them,
 12 Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to her
 13 damage in an amount according to proof at the time of trial.

14 225. In doing the acts herein alleged, Defendants, and each of them, acted with
 15 oppression, fraud, malice, and in conscious disregard of Plaintiffs' rights, and Plaintiffs have
 16 therefore entitled to punitive damages in an amount according to proof at the time of trial.

17 226. Plaintiffs have also incurred and continues to incur attorneys' fees and legal
 18 expenses in an amount according to proof at the time of trial.

19 227. Plaintiffs request that this Court order Defendants to refrain from discriminating
 20 against its employees on the basis of their race or nationality.

21 **SECOND CAUSE OF ACTION**

22 **DISCRIMINATION AND RETALIATION IN VIOLATION OF THE FAMILY AND** 23 **MEDICAL LEAVE ACT 29 U.S.C. § 2615**

24 **(All Plaintiffs Against All Defendants and DOES 1-50)**

25 228. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
 26 herein by reference.

27 229. The Family and Medical Leave Act at 29 U.S.C. section 2615 makes it an
 28 unlawful employment practice for "any employer to interfere with, restrain, or deny the exercise

of or the attempt to exercise, any [medical leave] right” or because the employee opposed the unlawful employment practice.

230. At all times relevant herein, Plaintiffs were entitled to take up to 12 weeks of family care and medical leave in any 12 month period, having more than 12 months of service with defendant and more than 1,250 hours of service in the 12 month period preceding the need for family care and medical leave, as required by 26 U.S.C. section 2611.

231. Plaintiffs required family medical leave, as more fully set forth in the preceding paragraphs of this complaint, for their own and their family's serious health condition. Plaintiffs provided Defendants with the appropriate notice necessary to invoke their FMLA rights and to request FMLA-protected leave.

232. Defendants discriminated and retaliated against Plaintiffs by taking adverse employment actions against them for taking protected medical leave in violation of Plaintiffs rights protected by FMLA.

233. As a proximate result of Defendants’ wrongful conduct, and each of them, Plaintiffs have suffered and continue to sustain substantial losses in earnings and other employment benefits in an amount according to proof at the time of trial.

234. As a proximate result of Defendants’ wrongful conduct, and each of them,

235. Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to her damage in an amount according to proof at the time of trial.

236. Plaintiffs have also incurred and continue to incur attorneys’ fees and legal expenses in an amount according to proof at the time of trial.

237. In doing the acts herein alleged, Defendants, and each of them, acted with oppression, fraud, malice, and in conscious disregard of Plaintiffs’ rights, and Plaintiffs have therefore entitled to punitive damages in an amount according to proof at the time of trial.

THIRD CAUSE OF ACTION

VIOLATION OF LABOR CODE § 1102.5

(All Plaintiffs Against All Defendants and DOES 1-50)

238. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set

1 herein by reference.

2 239. Labor Code section 1102.5(a) makes it illegal for an employer to make, adopt, or
3 enforce any rule, regulation or policy preventing an employee from disclosing information to a
4 government agency where the employee has reasonable cause to believe that the information
5 discloses a violation of state or federal statute, or a violation or noncompliance with a state or
6 federal rule or regulation.

7 240. Labor Code § 1102.5(b) makes it illegal for an employer to retaliate against an
8 employee for disclosing information that the employee reasonably believes violates local, state
9 or federal law.

10 241. Labor Code § 1102.5(c) makes it illegal for an employer to retaliate against an
11 employee for refusing to participate in an activity that would result in a violation of a state or
12 federal statute, or a violation or noncompliance with a state or federal rule or regulation.

13 242. Defendants engaged in an unlawful pattern and practice by retaliating against
14 Plaintiff and other employees for complaining about and reporting Defendants unlawful and
15 illegal business practices internally and/or to authorities, and/or for refusing to engage in illegal
16 activities.

17 243. As a proximate result of Defendants' wrongful conduct, and each of them,
18 Plaintiffs have suffered and continue to sustain substantial losses in earnings and other
19 employment benefits in an amount according to proof at the time of trial.

20 244. As a proximate result of Defendants' wrongful conduct, and each of them,
21 Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to her
22 damage in an amount according to proof at the time of trial.

23 245. Plaintiffs have also incurred and continues to incur attorneys' fees and legal
24 expenses in an amount according to proof at the time of trial.

25 246. In doing the acts herein alleged, Defendants, and each of them, acted with
26 oppression, fraud, malice, and in conscious disregard of Plaintiffs' rights, and Plaintiffs have
27 therefore entitled to punitive damages in an amount according to proof at the time of trial.

28 247. Plaintiffs request that this Court order Defendants to refrain from retaliating

against its employees on the basis of their complaints of illicit conduct.

FOURTH CAUSE OF ACTION

Violation of Labor Code § 244 - Immigration Related Threats

(All Plaintiffs Against All Defendants and DOES 1-50)

248. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set herein by reference.

249. Labor Code section 244 makes it unlawful to report or threaten to report an employee's, former employee's, or prospective employee's suspected citizenship or immigration status, or the suspected citizenship or immigration status of a family member of the employee, former employee, or prospective employee, to a federal, state, or local agency because the employee, former employee, or prospective employee exercises a right under the provisions of this code, the Government Code, or the Civil Code constitutes an adverse action for purposes of establishing a violation of an employee's, former employee's, or prospective employee's rights.

250. Defendants violated Labor Code Section 244 by threatening to report Plaintiffs' and other employees' immigration status or citizenship to authorities because Plaintiffs and the other employees exercised their rights under the provisions of the Labor Code, the Government Code, or the Civil Code, etc.

251. As a proximate result of Defendants' wrongful conduct, and each of them, Plaintiffs have suffered and continues to sustain substantial losses in earnings and other employment benefits in an amount according to proof at the time of trial.

252. As a proximate result of Defendants' wrongful conduct, Plaintiffs have suffered humiliation, emotional distress, including physical injuries and mental pain and anguish, all to their damage in an amount according to proof at the time of trial.

253. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice, and in conscious disregard of Plaintiffs rights and Plaintiffs are therefore entitled to punitive damages in an amount according to proof at the time of trial.

254. Plaintiffs have also incurred and continue to incur attorneys' fees and legal expenses in an amount according to proof at the time of trial.

255. Plaintiffs request that this Court grant a public injunction against Defendants to refrain from engaging in unlawful immigration-related retaliatory threats.

FIFTH CAUSE OF ACTION

Retaliation for Reporting Emergency Condition in Violation of Cal. Labor Code § 1139

(All Plaintiffs Against All Defendants and DOES 1-50)

256. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set herein by reference.

257. California Labor Code section 1139(b)(1) makes it an unlawful employment practice, “[i]n the event of an emergency condition, an employer shall not ... Take or threaten adverse action against any employee for refusing to report to, or leaving, a workplace or worksite within the affected area because the employee has a reasonable belief that the workplace or worksite is unsafe.” Emergency condition is defined as “[c]onditions of disaster or extreme peril to the safety of persons or property at the workplace or worksite caused by natural forces or a criminal act.”

258. As more fully alleged herein, Defendants and each of them had specific knowledge of Plaintiffs' need for emergency medical treatment by and through their specific requests for leave, Plaintiffs obvious physical conditions and based on statements of pain they disclosed to their supervisors. Notwithstanding, Defendants' management failed and refused to allow Plaintiffs to obtain medical treatment which hastened and resulted in inflaming their medical conditions.

259. By refusing to permit Plaintiffs to leave the worksite to obtain emergency medical treatment when requested, clearly rendered Plaintiffs' workplace unsafe and put their life and health in extreme peril in violation of Cal. Labor Code section 1139(b)(1).

260. As a proximate result of Defendants' wrongful conduct, and each of them, Plaintiffs have suffered and continues to sustain substantial losses in earnings and other employment benefits in an amount according to proof at the time of trial.

261. As a proximate result of Defendants' wrongful conduct, Plaintiffs have suffered humiliation, emotional distress, including physical injuries and mental pain and anguish, all to

1 their damage in an amount according to proof at the time of trial.

2 262. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice,
3 and in conscious disregard of Plaintiffs rights and Plaintiffs are therefore entitled to punitive
4 damages in an amount according to proof at the time of trial.

5 263. Plaintiffs have also incurred and continue to incur attorneys' fees and legal
6 expenses in an amount according to proof at the time of trial.

7 264. Plaintiffs request that this Court grant a public injunction against Defendants to
8 refrain from engaging in unlawful immigration-related retaliatory threats.

9 **SIXTH CAUSE OF ACTION**

10 **Denial of And Discrimination Based Upon The Use Of Sick Leave**

11 **(Labor Code §§ 233, 234, And 246.5)**

12 **(Against All Defendants)**

13 265. Plaintiff incorporates, by reference, all the foregoing paragraphs of this
14 Complaint, as though fully set forth herein.

15 266. Labor Code §233 states that "Any employer who provides sick leave for
16 employees shall permit an employee to use in any calendar year the employee's accrued and
17 available sick leave entitlement, in an amount not less than the sick leave that would be accrued
18 during six months at the employee's then current rate of entitlement, for the reasons specified in
19 subdivision (a) of Section 246.5."

20 267. Labor Code §246.5(a) states that upon oral or written request by an employee, an
21 employer shall provide paid sick days for the "Diagnosis, care, or treatment of an existing health
22 condition of, or preventive care for, an employee or an employee's family member."

23 268. Both Labor Code §233(c) and §246.5(c)(1) state that an employer shall not deny
24 an employee the right to use accrued sick days, discharge, threaten to discharge, demote,
25 suspend, or in any manner discriminate against an employee for using or attempting to use sick
26 leave to attend to an illness, or for opposing any policy or practice or act that is prohibited by this
27 article.

28 269. Labor Code §234 states that "An employer absence control policy that counts sick

1 leave taken pursuant to Section 233 as an absence that may lead to or result in discipline,
 2 discharge, demotion, or suspension is a per se violation of Section 233. An employee working
 3 under this policy is entitled to appropriate legal and equitable relief pursuant to Section 233.”

4 270. This is further emphasized by the fact that Labor Code §246.5(c)(2) creates a “...
 5 rebuttable presumption of unlawful retaliation if an employer denies an employee the right to use
 6 accrued sick days, discharges, threatens to discharge, demotes, suspends, or in any manner
 7 discriminates against an employee within 30 days of ... [o]pposition by the employee to a policy,
 8 practice, or act that is prohibited by this article.”

9 271. Labor Code §233(d) states that “Any employee aggrieved by a violation of this
 10 section shall be entitled to reinstatement and actual damages or one day’s pay, whichever is
 11 greater, and to appropriate equitable relief.” Labor Code §233(e) then explicitly creates a private
 12 right of action for an employee to seek these remedies and permits the Court to Plaintiffs
 13 reasonable attorney’s fees if Plaintiffs prevails.

14 272. Plaintiffs attempted to use accrued sick leave to seek treatment for a medical
 15 condition. In response, Defendants ultimately took adverse employment actions against the
 16 Plaintiffs.

17 273. As a result of Defendants’ failure and refusal to comply with Labor Code §§233,
 18 234, and 246.5, Plaintiff is entitled to recover from Defendants actual damages, including
 19 emotional distress damages, equitable relief, attorney’s fees, and costs.

20 **SEVENTH CAUSE OF ACTION**

21 **Race & Nationality Discrimination**

22 **(All Plaintiffs Against All Defendants and DOES 1-50)**

23 274. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
 24 herein by reference.

25 275. The FEHA codified in Government Code section 12900, et seq. makes it unlawful
 26 for an employer to discriminate against an employee on the basis of the employee’s race,
 27 ethnicity, and/or national origin.

28 276. Defendants engaged in an unlawful pattern and practice in violation of the FEHA

1 by taking adverse action against their employees, including Plaintiff, because of their race. As
 2 result, Defendants engaged in a discriminatory pattern and practice by ignoring, ratifying, and/or
 3 approving of the unlawful discrimination.

4 277. Plaintiff is informed and believes and based thereon alleges that her disability
 5 was a substantial motivating factor in Defendants' decision to take adverse employment actions
 6 against Plaintiff, in violation of Government Code § 12940(a).

7 278. As a proximate result of Defendants' wrongful conduct, and each of them,
 8 Plaintiff has suffered and continues to sustain substantial losses in earnings and other
 9 employment benefits in an amount according to proof at the time of trial.

10 279. As a proximate result of Defendants' wrongful conduct, and each of them,

11 280. Plaintiff has suffered humiliation, emotional distress, and mental pain and
 12 anguish, all to her damage in an amount according to proof at the time of trial.

13 281. In doing the acts herein alleged, Defendants, and each of them, acted with
 14 oppression, fraud, malice, and in conscious disregard of Plaintiff's rights, and Plaintiff is
 15 therefore entitled to punitive damages in an amount according to proof at the time of trial.

16 282. Plaintiff has also incurred and continues to incur attorneys' fees and legal
 17 expenses in an amount according to proof at the time of trial.

18 283. Plaintiff requests that this Court order Defendants to refrain from discriminating
 19 against its employees on the basis of their race or nationality.

20 **EIGHTH CAUSE OF ACTION**

21 **Harassment**

22 **(All Plaintiffs Against All Defendants and DOES 1-50)**

23 284. Plaintiff hereby incorporates by reference all paragraphs above, as if fully set
 24 herein by reference.

25 285. The FEHA, codified in Government Code section 12900, et seq., makes it
 26 unlawful for employers and individuals to harass an employee on the basis of a protected
 27 category, such as age, gender, disability, sexual orientation, race or national origin, etc.

28 286. Defendants had a pattern and practice of harassing Plaintiff and other employees

1 in violation of the FEHA by engaging in offensive conduct towards them, and/or acting in a
 2 hostile and abusive manner towards them, based employee's protected characteristic, such as
 3 disability, gender, race, sexual orientation, and/or age.

4 287. Defendants engaged in unlawful employment practices in violation of the FEHA
 5 by ratifying its employees' conduct and/or failing to take immediate and appropriate action
 6 against them for their continued harassment of Plaintiffs.

7 288. As a proximate result of Defendants' wrongful conduct, and each of them,
 8 Plaintiffs have suffered and continue to sustain substantial losses in earnings and other
 9 employment benefits in an amount according to proof at the time of trial.

10 289. As a proximate result of Defendants' wrongful conduct, and each of them,
 11 Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to her
 12 damage in an amount according to proof at the time of trial.

13 290. In doing the acts herein alleged, Defendants, and each of them, acted with
 14 oppression, fraud, malice, and in conscious disregard of Plaintiffs' rights, and Plaintiffs are
 15 therefore entitled to punitive damages in an amount according to proof at the time of trial.

16 291. Plaintiffs have also incurred and continue to incur attorneys' fees and legal
 17 expenses in an amount according to proof at the time of trial.

18 292. Plaintiffs request that this Court order Defendants to refrain from harassment
 19 against its employees on the basis of their disability, race, and nationality.

20 **NINTH CAUSE OF ACTION**

21 **Disability Discrimination**

22 **(All Plaintiffs Against All Defendants and DOES 1-50)**

23 293. Plaintiff hereby incorporates by reference all paragraphs above, as if fully set
 24 herein by reference.

25 294. The Fair Employment and Housing Act ("FEHA") codified in Government Code
 26 section 12900, et seq. makes it unlawful for an employer to discriminate against an employee on
 27 the basis of a protected category, such as the employee's disability or perceived disability.

28 295. Defendants engaged in an unlawful pattern and practice in violation of FEHA by

1 taking adverse employment action against Plaintiff and other employees because of their
2 disabilities or perceived disabilities.

3 296. As a proximate result of Defendants' wrongful conduct, and each of them,
4 Plaintiffs have suffered and continue to sustain substantial losses in earnings and other
5 employment benefits in an amount according to proof at the time of trial.

6 297. As a proximate result of Defendants' wrongful conduct, and each of them,
7 Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to her
8 damage in an amount according to proof at the time of trial.

9 298. In doing the acts herein alleged, Defendants, and each of them, acted with
10 oppression, fraud, malice, and in conscious disregard of Plaintiffs' rights, and Plaintiffs are
11 therefore entitled to punitive damages in an amount according to proof at the time of trial.

12 299. Plaintiffs have also incurred and continues to incur attorneys' fees and legal
13 expenses in an amount according to proof at the time of trial.

14 300. Plaintiffs request that this Court order Defendants to refrain from discriminating
15 against its employees on the basis of their disability or perceived disability.

16 **TENTH CAUSE OF ACTION**

17 **Failure to Accommodate**

18 **(All Plaintiffs Against All Defendants and DOES 1-50)**

19 301. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
20 herein by reference.

21 302. Government Code section 12940(m) provides that it is unlawful for an employer
22 to fail to make reasonable accommodation for the known physical or mental disability of an
23 employee.

24 303. Defendants engaged in an unlawful pattern and practice in violation of FEHA by
25 failing to make reasonable accommodation for Plaintiff's and other employees' known
26 disabilities.

27 304. As a proximate result of Defendants' wrongful conduct, and each of them,
28 Plaintiffs have suffered and continue to sustain substantial losses in earnings and other

employment benefits in an amount according to proof at the time of trial.

305. As a proximate result of Defendants' wrongful conduct, and each of them, Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to her damage in an amount according to proof at the time of trial.

306. In doing the acts herein alleged, Defendants, and each of them, acted with oppression, fraud, malice, and in conscious disregard of Plaintiffs' rights, and Plaintiffs are therefore entitled to punitive damages in an amount according to proof at the time of trial.

307. Plaintiffs have also incurred and continue to incur attorneys' fees and legal expenses in an amount according to proof at the time of trial.

308. Plaintiff requests that this Court grant a public injunction against Defendants to refrain them from illegally failing to provide reasonable accommodations to their employees for the employees' disabilities.

ELEVENTH CAUSE OF ACTION

Failure to Engage in the Interactive Process

(All Plaintiffs Against All Defendants and DOES 1-50)

309. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set herein by reference.

310. Government Code section 12940(n) provides that it is unlawful for an employer to fail to engage in a timely, good-faith interactive process with the employee to determine effective reasonable accommodations for the employee's disability.

311. Defendants had a pattern and practice of failing to engage in a timely, good-faith, interactive process with Plaintiffs and other employees to determine effective reasonable accommodations for their known disabilities.

312. As a proximate result of Defendants' wrongful conduct, and each of them, Plaintiffs have suffered and continue to sustain substantial losses in earnings and other employment benefits in an amount according to proof at the time of trial.

313. As a proximate result of Defendants' wrongful conduct, and each of them, Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to her

1 damage in an amount according to proof at the time of trial.

2 314. In doing the acts herein alleged, Defendants, and each of them, acted with
3 oppression, fraud, malice, and in conscious disregard of Plaintiffs' rights, and Plaintiffs are
4 therefore entitled to punitive damages in an amount according to proof at the time of trial.

5 315. Plaintiffs have also incurred and continue to incur attorneys' fees and legal
6 expenses in an amount according to proof at the time of trial.

7 316. Plaintiffs request that this Court grant a public injunction against Defendants to
8 refrain them from illegally failing to engage in a timely, good-faith, interactive process with
9 Plaintiffs and other employees to determine effective reasonable accommodations for their
10 known disabilities.

11 **TWELFTH CAUSE OF ACTION**

12 **California Family Rights Retaliation**

13 **(Plaintiff Crockett Against Defendants Crate Modular and Does 1-50)**

14 317. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
15 herein by reference.

16 318. The California Family Rights Act (Government Code § 12945.2) provides that it
17 is unlawful for an employer to retaliate against an employee for requesting or taking family care
18 or medical leave.

19 319. Defendants are subject to the provisions of the California Family Rights Act
20 ("CFRA") because they employed fifty (50) or more full time or part time employees. Plaintiffs
21 are entitled to the benefits of CFRA because they worked for Defendants for more than one year
22 and had at least one-thousand two-hundred and fifty (1,250) hours of service in the year
23 preceding their CFRA leave.

24 320. Defendants had a pattern and practice of retaliating against Plaintiffs and other
25 employees because they engaged in protected activities, such as taking or requesting family
26 leaves of absence to care for their families or for their own medical conditions.

27 321. As a proximate result of Defendants' wrongful conduct, and each of them,
28 Plaintiffs have suffered and continue to sustain substantial losses in earnings and other

employment benefits in an amount according to proof at the time of trial.

322. As a proximate result of Defendants' wrongful conduct, and each of them, Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to her damage in an amount according to proof at the time of trial.

323. In doing the acts herein alleged, Defendants, and each of them, acted with oppression, fraud, malice, and in conscious disregard of Plaintiffs' rights, and Plaintiffs are therefore entitled to punitive damages in an amount according to proof at the time of trial.

324. Plaintiffs have also incurred and continue to incur attorneys' fees and legal expenses in an amount according to proof at the time of trial.

325. Plaintiffs requests that this Court grant a public injunction against Defendants to refrain from retaliating against employees who rightfully request and/or take leave to bond with their newborn children and/or request or take medical leaves.

THIRTEENTH CAUSE OF ACTION

Associational Discrimination

(All Plaintiffs Against All Defendants and DOES 1-50)

327. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set herein by reference.

328. The Fair Employment and Housing Act ("FEHA") codified in Government Code §§ 12900, et seq. makes it unlawful for an employer to discriminate against an employee on the basis of the employee's association with a person who is member of a protected class.

329. Defendants engaged in unlawful pattern and practice in violation of the FEHA by taking adverse action against their employees because of their association with a person or persons who were victims of Defendants' unlawful discriminatory practices.

330. As a proximate result of Defendants' wrongful conduct, and each of them, Plaintiffs have suffered and continues to sustain substantial losses in earnings and other employment benefits in an amount according to proof at the time of trial.

331. As a proximate result of Defendants' wrongful conduct, Plaintiffs have suffered humiliation, emotional distress, including physical injuries and mental pain and anguish, all to

1 their damage in an amount according to proof at the time of trial.

2 332. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice,
3 and in conscious disregard of Plaintiffs rights and Plaintiffs are therefore entitled to punitive
4 damages in an amount according to proof at the time of trial.

5 333. Plaintiffs have also incurred and continue to incur attorneys' fees and legal
6 expenses in an amount according to proof at the time of trial.

7 334. Plaintiffs request that this Court grant a public injunction against Defendants to
8 refrain from illegally engaging in adverse employment actions against their employees because
9 of their associated with protected individuals.

10 **FOURTEENTH CAUSE OF ACTION**

11 **FEHA Retaliation**

12 **(All Plaintiffs Against All Defendants and DOES 1-50)**

13 335. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
14 herein by reference.

15 336. Government Code section 12940(h) provides that it is unlawful for an employer to
16 retaliate against an employee for engaging in a protected activity, such as complaining about
17 and/or opposing illegal discrimination and harassment in the workplace, and/or requesting an
18 accommodation for a disability or taking medical leave.

19 337. Defendants had a pattern and practice of engaging in unlawful employment
20 practices in violation of the FEHA by taking adverse employment actions against Plaintiff and
21 other employees, such as failing to promote them, terminating them from their positions, and/or
22 subjecting them to unnecessary disciplinary actions because the employees engaged in a
23 protected activity.

24 338. As a proximate result of Defendants' wrongful conduct, and each of them,
25 Plaintiffs have suffered and continue to sustain substantial losses in earnings and other
26 employment benefits in an amount according to proof at the time of trial.

27 339. As a proximate result of Defendants' wrongful conduct, and each of them,
28 Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to her

1 damage in an amount according to proof at the time of trial.

2 340. In doing the acts herein alleged, Defendants, and each of them, acted with
3 oppression, fraud, malice, and in conscious disregard of Plaintiffs' rights, and Plaintiffs are
4 therefore entitled to punitive damages in an amount according to proof at the time of trial.

5 341. Plaintiffs have also incurred and continue to incur attorneys' fees and legal
6 expenses in an amount according to proof at the time of trial.

7 342. Plaintiffs request that this Court order Defendants to refrain from retaliating
8 against its employees on the basis of their disability, perceived disability, nationality, or race.

9 **FIFTEENTH CAUSE OF ACTION**

10 **Failure to Prevent Discrimination, Harassment, and Retaliation**

11 **(All Plaintiffs Against All Defendants and DOES 1-50)**

12 343. Plaintiff's hereby incorporates by reference all paragraphs above, as if fully set
13 herein by reference.

14 344. The FEHA codified in Government Code section 12900, et seq., makes it
15 unlawful for an employer to fail to prevent discrimination, harassment, and/or retaliation.

16 345. Defendants engaged in unlawful employment pattern and practice by failing to
17 take immediate and appropriate action against their employees for their continued discrimination,
18 harassment, and/or retaliation against Plaintiff and other employees despite Defendants'
19 longstanding awareness of the unlawful retaliation, discrimination, and/or harassment..

20 346. As a proximate result of Defendants' wrongful conduct, and each of them,
21 Plaintiffs have suffered and continue to sustain substantial losses in earnings and other
22 employment benefits in an amount according to proof at the time of trial.

23 347. As a proximate result of Defendants' wrongful conduct, and each of them,
24 Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to her
25 damage in an amount according to proof at the time of trial.

26 348. In doing the acts herein alleged, Defendants, and each of them, acted with
27 oppression, fraud, malice, and in conscious disregard of Plaintiffs' rights, and Plaintiffs are
28 therefore entitled to punitive damages in an amount according to proof at the time of trial.

SIXTEENTH CAUSE OF ACTION

Violation of Labor Code § 246.5 et seq.

(Against Defendants Relish Labs, LLC, and Does 1-50)

349. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set herein by reference.

350. Labor Code section 246.5, et seq., makes it unlawful for an employer to retaliate against an employee who uses sick leave, attempts to use accrued sick leave, or opposes a policy or practice that violates California sick leave law.

351. Defendants had a pattern and practice of engaging in unlawful employment practices in violation of the Labor Code by taking adverse employment actions against Plaintiffs and other employees, such as failing to promote them, terminating them from their positions, and/or subjecting them to unnecessary disciplinary actions because the employees engaged in a protected activity of using sick leave, attempting to take sick leave, and/or for complaining about Defendants' illicit practices regarding California sick leave law.

352. As a proximate result of Defendants' wrongful conduct, and each of them, Plaintiffs have suffered and continues to sustain substantial losses in earnings and other employment benefits in an amount according to proof at the time of trial.

353. As a proximate result of Defendants' wrongful conduct, Plaintiffs have suffered humiliation, emotional distress, including physical injuries and mental pain and anguish, all to their damage in an amount according to proof at the time of trial.

354. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice, and in conscious disregard of Plaintiffs rights and Plaintiffs are therefore entitled to punitive damages in an amount according to proof at the time of trial.

355. Plaintiffs have also incurred and continue to incur attorneys' fees and legal expenses in an amount according to proof at the time of trial.

356. Plaintiffs request that this Court grant a public injunction against Defendants to refrain from illegally engaging in adverse employment actions against their employees because the employees engaged in a protected activity related to using sick leave.

SEVENTEENTH CAUSE OF ACTION

Violation of Lab. Code § 6310

(All Plaintiffs Against All Defendants and DOES 1-50)

357. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set herein by reference.

358. Labor Code §§ 6310, et seq., makes it unlawful for an employer to terminate or in any manner discriminate against any employee for making a bona fide oral or written complaint to his or her employer of unsafe working conditions and/or work practices in his employment or place of employment.

359. Labor Code §§ 6310, et seq., further makes it unlawful for an employer to terminate or in any manner discriminate against any employee who is perceived to have made a bona fide oral or written complaint to his or her employer or to responsible governmental agencies of unsafe working conditions and/or work practices in his or employment or place of employment.

360. Defendants engaged in an unlawful pattern and practice by retaliating and/or discriminating against Plaintiff and other employees for complaining internally and/or to a government agency about Defendants' unlawful practice of maintaining unsafe working conditions and/or practices, including, but not limited to, Defendants' unlawful practice of placing their financial self-interest ahead of patients' health and safety.

361. As a proximate result of Defendants' wrongful conduct, and each of them, Plaintiffs have suffered and continue to sustain substantial losses in earnings and other employment benefits in an amount according to proof at the time of trial.

362. As a proximate result of Defendants' wrongful conduct, and each of them, Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to her damage in an amount according to proof at the time of trial.

363. In doing the acts herein alleged, Defendants, and each of them, acted with oppression, fraud, malice, and in conscious disregard of Plaintiffs' rights, and Plaintiffs are therefore entitled to punitive damages in an amount according to proof at the time of trial.

1 364. Plaintiffs have also incurred and continue to incur attorneys' fees and legal
2 expenses in an amount according to proof at the time of trial.

3 **EIGHTEENTH CAUSE OF ACTION**

4 **Violation of Lab. Code § 6311**

5 **(All Plaintiffs Against All Defendants and DOES 1-50)**

6 365. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
7 herein by reference.

8 366. Labor Code § 6311 makes it unlawful for an employer to terminate or in any
9 manner discriminate against any employee for refusing to perform work in the performance of
10 which this code, including Section 6400, any occupational safety or health standard or any
11 safety order of the division or standards board will be violated, where the violation would create
12 a real and apparent hazard to the employee or his or her fellow employees.

13 367. Labor Code § 6400 provides that every employer shall furnish employment and a
14 place of employment that is safe and healthful for the employees therein and to do what is
15 reasonably necessary to protect the life, safety and health of employees.

16 368. Defendants engaged in an unlawful pattern and practice by retaliating and/or
17 discriminating against Plaintiffs and other employees for refusing to perform their work under
18 unsafe working conditions, as discussed in detail above.

19 369. As a proximate result of Defendants' wrongful conduct, and each of them,
20 Plaintiffs have suffered and continue to sustain substantial losses in earnings and other
21 employment benefits in an amount according to proof at the time of trial.

22 370. As a proximate result of Defendants' wrongful conduct, and each of them,
23 Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to her
24 damage in an amount according to proof at the time of trial.

25 371. In doing the acts herein alleged, Defendants, and each of them, acted with
26 oppression, fraud, malice, and in conscious disregard of Plaintiffs' rights, and Plaintiffs are
27 therefore entitled to punitive damages in an amount according to proof at the time of trial.

28 372. Plaintiffs have also incurred and continue to incur attorneys' fees and legal

1 expenses in an amount according to proof at the time of trial.

2 **NINETEENTH CAUSE OF ACTION**

3 **Violation of Lab. Code § 6399.7**

4 **(All Plaintiffs Against All Defendants and DOES 1-50)**

5 373. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
6 herein by reference.

7 374. California Labor Code § 6399.7 states that “no person shall discharge or in any
8 manner discriminate against, any employee ... because of the exercise of any right afforded
9 pursuant to the provisions of this chapter on such employee's behalf or on behalf of others, nor
10 shall any pay, seniority, or other benefits be lost for exercise of any such right.”

11 375. Defendants engaged in an unlawful pattern and practice by retaliating and/or
12 discriminating against Plaintiffs and other employees for refusing to perform their work under
13 unsafe working conditions, as discussed in detail above.

14 376. Plaintiffs, on their own behalf and on behalf of other aggrieved employees,
15 exercised their right to a safe and healthful workplace environment by requesting safe working
16 conditions, requesting Defendants enforce a safe working environment, and refusing to work if
17 Defendants presented a danger to themselves or other employees.

18 377. As a proximate result of Defendants’ wrongful conduct, and each of them,
19 Plaintiffs have suffered and continue to sustain substantial losses in earnings and other
20 employment benefits in an amount according to proof at the time of trial.

21 378. As a proximate result of Defendants’ wrongful conduct, and each of them,

22 379. Plaintiffs have suffered humiliation, emotional distress, and mental pain and
23 anguish, all to her damage in an amount according to proof at the time of trial.

24 380. In doing the acts herein alleged, Defendants, and each of them, acted with
25 oppression, fraud, malice, and in conscious disregard of Plaintiffs’ rights, and Plaintiffs are
26 therefore entitled to punitive damages in an amount according to proof at the time of trial.

27 381. Plaintiffs have also incurred and continue to incur attorneys’ fees and legal
28 expenses in an amount according to proof at the time of trial.

TWENTIETH CAUSE OF ACTION

Violation of Labor Code section 232.5

(All Plaintiffs Against All Defendants and DOES 1-50)

382. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set herein by reference.

383. California Labor Code section 232.5 prohibits employers from retaliating against employees who disclose information about their working conditions.

384. Defendants engaged in an unlawful pattern and practice by retaliating against Plaintiffs and other employees for complaining about Defendants' unlawful practice of maintaining unsafe working conditions and practices, including, but not limited to, ongoing sexual assaults and/or harassment, unsafe building temperatures, unsafe equipment and unsafe and unsanitary premises.

385. As a proximate result of Defendants' wrongful conduct, and each of them, Plaintiffs have suffered and continue to sustain substantial losses in earnings and other employment benefits in an amount according to proof at the time of trial.

386. As a proximate result of Defendants' wrongful conduct, and each of them, Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to their damage in an amount according to proof at the time of trial.

387. In doing the acts herein alleged, Defendants, and each of them, acted with oppression, fraud, malice, and in conscious disregard of Plaintiffs' rights and Plaintiffs are therefore entitled to punitive damages in an amount according to proof at the time of trial.

388. Plaintiffs have also incurred and continue to incur attorneys' fees and legal expenses in an amount according to proof at the time of trial.

TWENTY-FIRST CAUSE OF ACTION

Violation of Labor Code section 98.6

(All Plaintiffs Against All Defendants and DOES 1-50)

389. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set herein by reference.

390. Labor Code § 98.6, et seq., makes it illegal for an employer to retaliate against an employee for instituting any proceeding under or relating to his or her rights that are under the jurisdiction of the Labor Commissioner, made a written or oral complaint that he or she is owed unpaid wages, or because the employee has initiated any action or notice pursuant to Section 2699, or has testified or is about to testify in a proceeding pursuant to that section, or because of the exercise by the employee or applicant for employment on behalf of himself, herself, or others of any rights afforded him or her.

391. Defendants engaged in an unlawful pattern and practice by retaliating against Plaintiffs for complaining about their unlawful practice of not paying employees their correct wages, among other things.

392. As a proximate result of Defendants' wrongful conduct, and each of them, Plaintiffs have suffered and continue to sustain substantial losses in earnings and other employment benefits in an amount according to proof at the time of trial.

393. As a proximate result of Defendants' wrongful conduct, Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to her damage in an amount according to proof at the time of trial.

394. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice, and in conscious disregard of Plaintiffs' rights and Plaintiffs are therefore entitled to punitive damages in an amount according to proof at the time of trial.

395. Plaintiffs have also incurred and continue to incur attorneys' fees and legal expenses in an amount according to proof at the time of trial.

TWENTY-SECOND CAUSE OF ACTION

Wrongful Termination in Violation of Public Policy

(All Plaintiffs Against All Defendants and DOES 1-50)

396. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set herein by reference.

397. It is unlawful for an employer to take adverse employment actions against employees based on grounds that violate California public policy. It is against the public policy

of the State of California for an employer to violate the FEHA and/or the Labor Code.

398. Defendants had a pattern and practice of taking adverse employment actions against Plaintiff and other employees based on grounds that violate California public policy, such as because the employees were members of a protected class or associated with members of a protected class, such as being disabled or female, etc.; or because the employees engaged in a protected activity by requesting disability accommodations, taking medical leave, complaining about discrimination, harassment, or retaliation in the workplace, complaining about unsafe, illegal, and unethical business practices by the employer.

399. As a proximate result of Defendants' wrongful conduct, and each of them, Plaintiffs have suffered and continue to sustain substantial losses in earnings and other employment benefits in an amount according to proof at the time of trial.

400. As a proximate result of Defendants' wrongful conduct, and each of them, Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to her damage in an amount according to proof at the time of trial.

401. In doing the acts herein alleged, Defendants, and each of them, acted with oppression, fraud, malice, and in conscious disregard of Plaintiffs' rights, and Plaintiffs are therefore entitled to punitive damages in an amount according to proof at the time of trial.

TWENTY-THIRD CAUSE OF ACTION

Failure to Pay Minimum or Contractual Wages for all Hours Worked

(All Plaintiffs Against All Defendants and DOES 1-50)

402. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set herein by reference.

403. At all relevant times, Plaintiff was an employee of Defendants covered by the Labor Code and applicable Wage Order(s).

404. Pursuant to the Labor Code and applicable Wage Order(s), Plaintiff were entitled to receive minimum wages for all hours worked. Defendants failed to pay Plaintiff minimum wages for total hours worked in violation of Labor Code and applicable Wage Order(s).

405. Plaintiff is informed and believes and thereon alleges that at all relevant times

1 within the limitations period applicable to this cause of action, Defendants' payroll policies and
 2 procedures failed to compensate employees, including Plaintiff, for all hours worked.

3 406. Plaintiff is informed and believes and thereon alleges that at all relevant times
 4 within the limitations period applicable to this cause of action Defendants' illegal compensation
 5 of wages resulted in Defendants' failure to compensate each employee for all hours worked in
 6 violation of Labor Code Sections 1194 and 1197.

7 407. As a result of Defendants' unlawful conduct, Plaintiff has suffered damages in an
 8 amount, subject to proof, to the extent they were not paid minimum wages for all hours actually
 9 worked. Pursuant to Labor Code Sections 1194 and 1194.2, Plaintiff is entitled to recover the full
 10 amount of unpaid minimum wages, interest thereon, liquidated damages, reasonable attorneys'
 11 fees and costs of suit.

12 **TWENTY-FOURTH CAUSE OF ACTION**

13 **Failure to Pay Overtime Wages**

14 **(All Plaintiff Against All Defendants and DOES 1-50)**

15 408. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
 16 herein by reference.

17 409. At all relevant times, Plaintiff was an employee of Defendants covered by the
 18 Labor Code and applicable Wage Order(s).

19 410. Pursuant to Labor Code sections 510, 1194 and applicable Wage Order(s)
 20 Plaintiffs were entitled to receive overtime wages at a rate of 1.5 times their regular rate of pay
 21 for any hours worked in excess of eight (8) hours in a day, and/or forty (40) hours in a week,
 22 and/or the seventh working day in a week. Plaintiffs were also entitled to receive two (2) times
 23 their regular rate of pay for any hours worked in excess of twelve (12) hours in a day.

24 411. Plaintiffs are informed and believe and thereon alleges that at all relevant times
 25 within the limitations period applicable to this cause of action, Defendants' payroll policies and
 26 procedures failed to compensate their employees, including Plaintiffs, for all overtime hours
 27 worked and sometimes only compensated them for eight (8) hours day or forty (40) hours a week
 28 or less regardless of their actual work hours.

412. Defendants' illegal payroll practices resulted in Defendants' failure to pay Plaintiffs' overtime wages and to those employees that worked in excess of eight (8) hours a day or forty (40) hours a week for the combined minutes in violation of Labor Code Sections 510, 1194 and applicable Wage Order(s).

413. As a result of Defendants' unlawful conduct, Plaintiffs suffered damages in an amount, subject to proof, to the extent that he was not paid a proper overtime rate for the overtime worked.

414. Pursuant to Labor Code Sections 1194 and 1194.2, Plaintiffs are entitled to recover the full amount of unpaid overtime wages, interest thereon, liquidated damages, reasonable attorneys' fees and costs of suit.

TWENTY- FIFTH CAUSE OF ACTION

Failure to Pay Meal Breaks

(All Plaintiffs Against All Defendants and DOES 1-50)

415. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set herein by reference.

416. At all relevant times, Plaintiffs were Defendants' employee covered by the Labor Code and applicable Wage Order(s).

417. Plaintiffs are informed and believes and thereon alleges that at all relevant times within the limitations period applicable to this cause of action, Defendants regularly denied and/or interrupted Plaintiffs' and other employees' meal/lunch breaks and rest periods.

418. At all times herein mentioned, Defendants failed to pay their employees, including Plaintiffs, for such meal and rest breaks that they did not receive.

419. Pursuant to California Labor Code Sections 218, 218.5 and 1194, as well as the applicable Wage Order(s), Plaintiffs are entitled to recover unpaid compensation, plus interest, plus applicable penalties, reasonable attorneys' fees and costs.

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TWENTY-SIXTH CAUSE OF ACTION

Failure to Provide Accurate Wage Statements

(All Plaintiffs Against All Defendants and DOES 1-50)

420. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set herein by reference.

421. At all relevant times, Plaintiff was Defendants' employee covered by the Labor Code and applicable Wage Order(s).

422. Pursuant to Labor Code Section 226(a), and the applicable Wage Order(s), Plaintiff was entitled to receive, semi-monthly or at the time of each payment of wages, an accurate itemized statement showing: a) gross wages earned; b) the total hours worked by the employee; c) net wages earned; and d) all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate by the employee.

423. Defendants failed to provide Plaintiff accurate wage statements in accordance with Labor Code Section 226(a). Plaintiff is informed and believes and thereon alleges that at all relevant times within the limitations period applicable to this cause of action, Defendants' payroll policies and procedures of not compensating their employees for all hours worked. Instead, Defendants maintained a policy or practice of not paying Plaintiff wages for all hours worked, but only paying wages for the understated number of hours inaccurately reported as worked on wage statements on those occasions when wage statements were even provided.

424. Defendants' failure to provide Plaintiff with accurate wage statements was knowing and intentional. Defendants had the ability to provide Plaintiff with accurate wage statements, but intentionally provided wage statements that Defendants knew were not accurate and/or failed to provide any wage statements at all.

425. As a result of Defendants' conduct, Plaintiff suffered injury. The absence of accurate information on their wage statements has prevented earlier challenges to Defendants' unlawful pay practices, required discovery and mathematical computations to determine the amount of wages owed, caused difficulty and expense in attempting to reconstruct time and pay records, and/or led to the submission of inaccurate information about wages and amounts

deducted from wages to state and federal government agencies.

426. Pursuant to Labor Code Section 226(e), Plaintiff is entitled to recover fifty (50) dollars for the initial pay period within the applicable limitations period in which a violation of Labor Code Section 226 occurred and one hundred (100) dollars for each violation of Labor Code Section 226 in a subsequent pay period, not to exceed an aggregate penalty of four thousand dollars (\$4,000) per employee.

427. Pursuant to Labor Code Sections 218 and 226(e), Plaintiff is entitled to recover the full amount of penalties due under Labor Code Section 226(e), reasonable attorneys' fees and costs of suit.

TWENTY- SEVENTH CAUSE OF ACTION

Failure to Pay Wages at the Time of Separation

(All Plaintiffs Against All Defendants and DOES 1-50)

428. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set herein.

429. At all relevant times, Plaintiffs were Defendants' employee covered by Labor Code Section 201 or 202. Pursuant to Labor Code Sections 201 or 202, Plaintiff was entitled upon separation, to timely payment of all wages earned and unpaid prior to separation.

430. Defendants failed to pay Plaintiffs and other employees all wages earned and unpaid prior to termination in accordance with Labor Code Section 201 or 202.

431. Defendants regularly forced Plaintiffs and other employees to work more than eight hours in a day and not compensated them for overtime hours worked. Defendants also prevented Plaintiffs and other employees from taking their meal periods and rest breaks permitted by law. Defendants have failed to pay Plaintiffs and other employees these wages since their termination.

432. Pursuant to Labor Code Section 201 or 202, Plaintiffs are entitled to all wages earned prior to termination that Defendants did not pay them.

433. Pursuant to Labor Code Section 203, Plaintiffs are entitled to continuation of his wages, from the day their earned and unpaid wages were due upon termination until paid, up to a

1 maximum of thirty (30) days.

2 434. As a result of Defendants' conduct, Plaintiffs have suffered damages in an
3 amount, subject to proof, to the extent she was not paid for all wages earned prior to termination.

4 435. As a result of Defendants' conduct, Plaintiffs have suffered damages in an
5 amount, subject to proof, to the extent she was not paid all continuation wages owed under Labor
6 Code Section 203.

7 436. Pursuant to Labor Code Sections 218, 218.5 and 218.6, Plaintiffs are entitled to
8 recover the full amount of unpaid wages, continuation wages under Section 203, interest thereon,
9 reasonable attorneys' fees, and costs of suit.

10 **TWENTY-EIGHTH CAUSE OF ACTION**

11 **Violation of Labor Code § 1197.5 - Unequal Pay Based on Race**

12 **(Against Defendants Relish Labs, LLC, and Does 1-50)**

13 437. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
14 herein by reference.

15 438. Labor Code § 1197.5(a) states that no employer shall pay any individual in the
16 employer's employ at wage rates less than the rates paid to employees of another race or
17 ethnicity in the same establishment for equal work on jobs the performance of which requires
18 equal skill, effort, and responsibility, and which are performed under similar working conditions,
19 except where the payment is made pursuant to a seniority system, a merit system, a system which
20 measures earnings by quantity or quality of production, or a differential based on any bona fide
21 factor other than race or ethnicity.

22 439. Defendants violated Labor Code section 1197.5 by paying Plaintiffs and other
23 similarly situated Latino and African-American employees less than members of other racial
24 groups.

25 440. As a result of Defendants' actions, Plaintiffs are entitled to wages, interest,
26 liquidated damages, costs, and attorney's fees pursuant to Labor Code § 1197.5(g).

27 ///

28 ///

TWENTY-NINTH CAUSE OF ACTION

Violation of Business & Professions § 17200 et seq.

(All Plaintiffs Against All Defendants and DOES 1-50)

441. Plaintiff hereby incorporates by reference all paragraphs above, as if fully set herein by reference.

442. Defendants' unlawful conduct alleged herein constitutes unfair competition within the meaning of Business and Professions Code Section 17200. Due to their unfair and unlawful business practices in violation of the FEHA and Labor Code, Defendants have gained a competitive advantage over other comparable companies doing business in the State of California that comply with their obligations under the law.

443. As a result of Defendants' unfair competition as alleged herein, Plaintiff suffered injury in fact and lost money or property. Plaintiff was not paid overtime wages or for missed meal periods and rest breaks, and Defendants terminated Plaintiff for her race, for requesting and/or taking sick leave, and/or for complaining about not being paid properly.

444. Pursuant to Business and Professions Code Section 17203, Plaintiff is entitled to restitution of all wages and other monies rightfully belonging to him that Defendants failed to pay her and wrongfully retained by means of unlawful and unfair business practices.

THIRTIETH CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(All Plaintiffs Against All Defendants and DOES 1-50)

445. Plaintiffs hereby incorporates by reference all paragraphs above, as if fully set herein by reference.

446. Defendants' conduct as described above was extreme and outrageous and was done with the intent of causing Plaintiff to suffer emotional distress or with reckless disregard as to whether their conduct would cause him to suffer such distress.

447. By the aforesaid acts and omissions of defendants, and each of them, Plaintiff has been directly and legally caused to suffer actual damages including, but not limited to, loss of earnings and future earning capacity, attorneys' fees, costs of suit and other pecuniary loss not

1 presently ascertained.

2 448. As a further direct and legal result of the acts and conduct of defendants, and each
3 of them, as aforesaid, Plaintiff has been caused to and did suffer and continues to suffer severe
4 emotional and mental distress, anguish, humiliation, embarrassment, fright, shock, pain,
5 discomfort, anxiety, physical pain and suffering. The exact nature and extent of said injuries is
6 presently unknown to Plaintiff. Plaintiff does not know at this time the exact duration or
7 permanence of said injuries but is informed and believes and thereon alleges that some if not all
8 of the injuries are reasonably certain to be permanent in character.

9 449. Plaintiff is informed and believes, and thereon alleges, that the defendants, and
10 each of them, by engaging in the aforementioned acts and/or in authorizing and/or ratifying such
11 acts, engaged in willful, malicious, intentional, oppressive and despicable conduct, and acted
12 with willful and conscious disregard of the rights, welfare and safety of Plaintiff, thereby
13 justifying the award of punitive and exemplary damages in an amount to be determined at trial.

14 **THIRTY-FIRST CAUSE OF ACTION**

15 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

16 **(All Plaintiffs Against All Defendants and DOES 1-50)**

17 450. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
18 herein by reference.

19 451. In the alternative, Defendants' conduct, as alleged above, was done in a careless
20 or negligent manner, without consideration for the effect of such conduct upon Plaintiff's
21 emotional well-being.

22 452. By the aforesaid acts and omissions of Defendants, and each of them, Plaintiffs
23 have been directly and legally caused to suffer actual damages including, but not limited to, loss
24 of earnings and future earning capacity, attorneys' fees, costs of suit and other pecuniary loss not
25 presently ascertained.

26 453. As a further direct and legal result of the acts and conduct of Defendants, and
27 each of them, as aforesaid, Plaintiffs have been caused to and did suffer and continues to suffer
28 severe emotional and mental distress, anguish, humiliation, embarrassment, fright, shock, pain,

discomfort, anxiety, physical pain and suffering. The exact nature and extent of said injuries is presently unknown to Plaintiffs. Plaintiffs do not know at this time the exact duration or permanence of said injuries but is informed and believes and thereon alleges that some if not all of the injuries are reasonably certain to be permanent in character.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray judgment as follows:

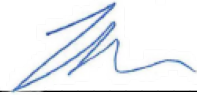
1. The entry of judgment in favor of the Plaintiffs on each and every cause of action;
2. General Damages in an amount of at least \$100,000,000.00;
3. Special Damages, including but not limited to lost wages, in an amount according to proof;
4. Punitive Damages in an amount of at least four times the amount of the General and Special damages in this action, and according to proof;
5. Damages for unpaid minimum wages;
6. Liquidated damages;
7. Injunctive relief preventing Defendants from engaging in unlawful discrimination, from failing to accommodate disabled employees, and from failing to engage in the interactive process with disabled employees;
8. Statutory penalties under Labor Code Sections 1102.5, 226(e) and others;
9. Damages for unpaid wages earned;
10. Restitution of all unpaid wages and other monies owed and belonging to Plaintiff that Defendants unlawfully withheld and retained for themselves;
11. Reasonable attorneys' fees;
12. Costs of suit;
13. Interest;
14. Such other relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury on all issues that are so triable.

Dated: October 28, 2024

Respectfully Submitted,
MILON PLUAS LLP

By: 

ANGEL PLUAS
JOSHUA MILON
CHRISTOPHER J. DeCLUE
JOSE VALDEZ
Attorney for Plaintiffs

EXHIBIT A



Civil Rights Department

KEVIN KISH, DIRECTOR

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26846528
Right to Sue: Hernandez / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
 1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202410-26846528

Right to Sue: Hernandez / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



Civil Rights Department

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
 1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Gary Hernandez
 c/o Milon Pluas LLP, 20 N Raymond Ave., Suite 350
 Pasadena, CA 91103

RE: **Notice of Case Closure and Right to Sue**
 CRD Matter Number: 202410-26846528
 Right to Sue: Hernandez / Clover Flat Land Fill Inc. et al.

Dear Gary Hernandez:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

KEVIN KISH, DIRECTOR

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To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Gary Hernandez

CRD No. 202410-26846528

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections US, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections of California, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections Management Services, Inc.

-1-

Complaint – CRD No. 202410-26846528

Date Filed: October 28, 2024

1 1285 Whitehall Lane
Saint Helena, CA 94574

2 Pestoni Enterprises LLC.
3 1285 Whitehall Lane
4 Saint Helena, CA 94574

5 UVA Vineyard Management LLC.
6 1285 Whitehall Lane
Saint Helena, CA 94574

7 Christine Pestoni
8 1285 Whitehall Lane
Saint Helena, CA 94574

9 Respondents

10
11 1. Respondent **Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California
12 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

13 2. Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).
Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
14 Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
Complainant is naming **Vista Corporation** business as Co-Respondent(s).
15 Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
16 Complainant is naming **Waste Connections of California, Inc.** business as Co-
Respondent(s).
17 Complainant is naming **Waste Connections Management Services, Inc.** business as Co-
Respondent(s).
18 Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).
Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).
19 Complainant is naming **Christine Pestoni** individual as Co-Respondent(s).

20 3. Complainant **Gary Hernandez**, resides in the City of **Pasadena**, State of **CA**.
21

22 4. Complainant alleges that on or about **June 1, 2023**, respondent took the following
adverse actions:

23 **Complainant was harassed** because of complainant's ancestry, national origin (includes
24 language restrictions), color, genetic information or characteristic, medical condition (cancer
or genetic characteristic), age (40 and over), marital status, other, association with a
25 member of a protected class, bereavement leave, disability (physical,

26 -2-

27 Complaint – CRD No. 202410-26846528

28 Date Filed: October 28, 2024

intellectual/developmental, mental health/psychiatric), family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies, race (includes hairstyle and hair texture).

Complainant was discriminated against because of complainant's ancestry, national origin (includes language restrictions), color, genetic information or characteristic, medical condition (cancer or genetic characteristic), age (40 and over), marital status, other, association with a member of a protected class, bereavement leave, disability (physical, intellectual/developmental, mental health/psychiatric), family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies, race (includes hairstyle and hair texture) and as a result of the discrimination was terminated, laid off, forced to quit, denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-related questions, denied any employment benefit or privilege, other, denied work opportunities or assignments, denied or forced to transfer, denied accommodation for a disability, denied bereavement leave, denied employer paid health care while on family care and medical leave (cfra), denied family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies.

Complainant experienced retaliation because complainant reported or resisted any form of discrimination or harassment, requested or used a disability-related accommodation, participated as a witness in a discrimination or harassment complaint, requested or used bereavement leave, requested or used family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies and as a result was terminated, laid off, forced to quit, denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-related questions, denied any employment benefit or privilege, denied accommodation for religious beliefs, denied work opportunities or assignments, denied or forced to transfer, denied accommodation for a disability, denied bereavement leave, denied employer paid health care while on family care and medical leave (cfra), denied family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies.

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against based upon Claimants' disabilities and/or perceived disabilities, medical condition, race, national origins, age, engagement in protected activities, medical leave, and wrongful termination.

1 VERIFICATION

2 I, **Angel D. Pluas**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based
4 on information and belief, which I believe to be true.

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Pasadena, CA**
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26 -4-

27 *Complaint – CRD No. 202410-26846528*

28 Date Filed: October 28, 2024



Civil Rights Department

KEVIN KISH, DIRECTOR

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26848028
Right to Sue: Carrillo, Sr. / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

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October 28, 2024

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202410-26848028

Right to Sue: Carrillo, Sr. / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



Civil Rights Department

KEVIN KISH, DIRECTOR

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 1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Juan Manuel Carrillo, Sr.
 c/o Milon Pluas LLP, 20 N Raymond Ave., Suite 350
 Pasadena, CA 91103

RE: **Notice of Case Closure and Right to Sue**
 CRD Matter Number: 202410-26848028
 Right to Sue: Carrillo, Sr. / Clover Flat Land Fill Inc. et al.

Dear Juan Manuel Carrillo, Sr.:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

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To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Juan Manuel Carrillo, Sr.

CRD No. 202410-26848028

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Christina Pestoni
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections Management Services, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

UVA Vineyard Management LLC.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections of California, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation

-1-

Complaint – CRD No. 202410-26848028

Date Filed: October 28, 2024

1 1285 Whitehall Lane
Saint Helena, CA 94574

2 Whitehall Corporation
3 1285 Whitehall Lane
4 Saint Helena, CA 94574

5 Waste Connections US, Inc.
6 1285 Whitehall Lane
Saint Helena, CA 94574

7 Pestoni Enterprises LLC.
8 1285 Whitehall Lane
Saint Helena, CA 94574

9 Respondents

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11 1. Respondent **Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California
12 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

13 2. Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).
14 Complainant is naming **Waste Connections Management Services, Inc.** business as Co-
15 Respondent(s).
16 Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).
17 Complainant is naming **Waste Connections of California, Inc.** business as Co-
18 Respondent(s).
19 Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
20 Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).
21 Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
22 Complainant is naming **Vista Corporation** business as Co-Respondent(s).
23 Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
24 Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
25 Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).

26 3. Complainant **Juan Manuel Carrillo, Sr.**, resides in the City of **Pasadena**, State of **CA**.

27 4. Complainant alleges that on or about **April 18, 2023**, respondent took the
28 following adverse actions:

Complainant was harassed because of complainant's ancestry, national origin (includes language restrictions), color, religious creed - includes dress and grooming practices, genetic information or characteristic, medical condition (cancer or genetic characteristic), age (40 and over), marital status, other, association with a member of a protected class,

-2-

Complaint – CRD No. 202410-26848028

Date Filed: October 28, 2024

1 bereavement leave, disability (physical, intellectual/developmental, mental
2 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
3 employee or family member, child bonding, or military exigencies, race (includes hairstyle
4 and hair texture).

5 **Complainant was discriminated against** because of complainant's ancestry, national
6 origin (includes language restrictions), color, religious creed - includes dress and grooming
7 practices, genetic information or characteristic, medical condition (cancer or genetic
8 characteristic), age (40 and over), marital status, other, association with a member of a
9 protected class, bereavement leave, disability (physical, intellectual/developmental, mental
10 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
11 employee or family member, child bonding, or military exigencies, race (includes hairstyle
12 and hair texture) and as a result of the discrimination was terminated, laid off, forced to quit,
13 denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-
14 related questions, denied any employment benefit or privilege, denied accommodation for
15 religious beliefs, other, denied work opportunities or assignments, denied or forced to
16 transfer, denied accommodation for a disability, denied bereavement leave, denied
17 employer paid health care while on family care and medical leave (cfra), denied family care
18 and medical leave (cfra) related to serious health condition of employee or family member,
19 child bonding, or military exigencies.

20 **Complainant experienced retaliation** because complainant reported or resisted any form
21 of discrimination or harassment, requested or used a disability-related accommodation,
22 requested or used a religious accommodation, participated as a witness in a discrimination
23 or harassment complaint, requested or used bereavement leave, requested or used family
24 care and medical leave (cfra) related to serious health condition of employee or family
25 member, child bonding, or military exigencies and as a result was terminated, laid off, forced
26 to quit, denied hire or promotion, reprimanded, suspended, demoted, asked impermissible
27 non-job-related questions, denied any employment benefit or privilege, denied
28 accommodation for religious beliefs, other, denied work opportunities or assignments,
denied or forced to transfer, denied accommodation for a disability, denied bereavement
leave, denied employer paid health care while on family care and medical leave (cfra),
denied family care and medical leave (cfra) related to serious health condition of employee
or family member, child bonding, or military exigencies.

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against
based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
national origins, age, engagement in protected activities, medical leave, and wrongful
termination.

1 VERIFICATION

2 I, **Angel D. Pluas**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based
4 on information and belief, which I believe to be true.

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Pasadena, CA

-4-

Complaint – CRD No. 202410-26848028

Date Filed: October 28, 2024



Civil Rights Department

KEVIN KISH, DIRECTOR

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1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26848528
Right to Sue: Bautista / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

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October 28, 2024

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202410-26848528

Right to Sue: Bautista / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



Civil Rights Department

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 1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Francisco Bautista
 c/o Milon Pluas LLP, 20 N Raymond Ave., Suite 350
 Pasadena, CA 91103

RE: **Notice of Case Closure and Right to Sue**
 CRD Matter Number: 202410-26848528
 Right to Sue: Bautista / Clover Flat Land Fill Inc. et al.

Dear Francisco Bautista:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

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To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Francisco Bautista

CRD No. 202410-26848528

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

Pestoni Enterprises LLC.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections Management Services, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections US, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation

-1-

Complaint – CRD No. 202410-26848528

Date Filed: October 28, 2024

1 1285 Whitehall Lane
Saint Helena, CA 94574

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3 Waste Connections of California, Inc.
4 1285 Whitehall Lane
Saint Helena, CA 94574

5 UVA Vineyard Management LLC.
6 1285 Whitehall Lane
Saint Helena, CA 94574

7 Christina Pestoni
8 1285 Whitehall Lane
Saint Helena, CA 94574

9 Respondents

10
11 1. Respondent **Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California
12 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

13 2. Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).

14 Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).

15 Complainant is naming **Waste Connections Management Services, Inc.** business as Co-Respondent(s).

16 Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).

17 Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).

18 Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).

19 Complainant is naming **Vista Corporation** business as Co-Respondent(s).

20 Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).

21 Complainant is naming **Waste Connections of California, Inc.** business as Co-Respondent(s).

22 Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).

23 Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).

24 3. Complainant **Francisco Bautista**, resides in the City of **Pasadena**, State of **CA**.

25 4. Complainant alleges that on or about **October 28, 2024**, respondent took the following adverse actions:

26 **Complainant was harassed** because of complainant's ancestry, national origin (includes language restrictions), color, religious creed - includes dress and grooming practices, genetic information or characteristic, medical condition (cancer or genetic characteristic), age (40 and over), marital status, other, association with a member of a protected class,

27 -2-

28 Complaint – CRD No. 202410-26848528

Date Filed: October 28, 2024

1 bereavement leave, disability (physical, intellectual/developmental, mental
2 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
3 employee or family member, child bonding, or military exigencies, race (includes hairstyle
4 and hair texture).

5 **Complainant was discriminated against** because of complainant's ancestry, national
6 origin (includes language restrictions), color, religious creed - includes dress and grooming
7 practices, genetic information or characteristic, medical condition (cancer or genetic
8 characteristic), age (40 and over), marital status, other, association with a member of a
9 protected class, bereavement leave, disability (physical, intellectual/developmental, mental
10 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
11 employee or family member, child bonding, or military exigencies, race (includes hairstyle
12 and hair texture) and as a result of the discrimination was laid off, forced to quit, denied hire
13 or promotion, reprimanded, suspended, demoted, asked impermissible non-job-related
14 questions, denied any employment benefit or privilege, denied accommodation for religious
15 beliefs, other, denied work opportunities or assignments, denied or forced to transfer, denied
16 accommodation for a disability, denied bereavement leave, denied employer paid health
17 care while on family care and medical leave (cfra), denied family care and medical leave
18 (cfra) related to serious health condition of employee or family member, child bonding, or
19 military exigencies.

20 **Complainant experienced retaliation** because complainant reported or resisted any form
21 of discrimination or harassment, requested or used a disability-related accommodation,
22 requested or used a religious accommodation, participated as a witness in a discrimination
23 or harassment complaint, requested or used bereavement leave, requested or used family
24 care and medical leave (cfra) related to serious health condition of employee or family
25 member, child bonding, or military exigencies and as a result was laid off, forced to quit,
26 denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-
27 related questions, denied any employment benefit or privilege, denied accommodation for
28 religious beliefs, other, denied work opportunities or assignments, denied or forced to
transfer, denied accommodation for a disability, denied bereavement leave, denied
employer paid health care while on family care and medical leave (cfra), denied family care
and medical leave (cfra) related to serious health condition of employee or family member,
child bonding, or military exigencies.

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against
based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
national origins, age, engagement in protected activities, medical leave.

-3-

Complaint – CRD No. 202410-26848528

Date Filed: October 28, 2024

1 VERIFICATION

2 I, **Angel D. Pluas**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based
4 on information and belief, which I believe to be true.

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Pasadena, CA**
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27 *Complaint – CRD No. 202410-26848528*

28 Date Filed: October 28, 2024



Civil Rights Department

KEVIN KISH, DIRECTOR

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26848728
Right to Sue: Morales / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

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October 28, 2024

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202410-26848728

Right to Sue: Morales / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



Civil Rights Department

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October 28, 2024

Lusiano Morales
 c/o Milon Pluas LLP, 20 N Raymond Ave., Suite 350
 Pasadena, CA 91103

RE: **Notice of Case Closure and Right to Sue**
 CRD Matter Number: 202410-26848728
 Right to Sue: Morales / Clover Flat Land Fill Inc. et al.

Dear Lusiano Morales:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

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To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Lusiano Morales

CRD No. 202410-26848728

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections US, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections of California, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections Management Services, Inc.

-1-

Complaint – CRD No. 202410-26848728

Date Filed: October 28, 2024

1 1285 Whitehall Lane
Saint Helena, CA 94574

2 Pestoni Enterprises LLC.
3 1285 Whitehall Lane
4 Saint Helena, CA 94574

5 UVA Vineyard Management LLC.
6 1285 Whitehall Lane
Saint Helena, CA 94574

7 Christina Pestoni
8 1285 Whitehall Lane
Saint Helena, CA 94574

9 Respondents

10
11 1. Respondent **Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California
12 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

13 2. Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).
Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
14 Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
15 Complainant is naming **Vista Corporation** business as Co-Respondent(s).
Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
16 Complainant is naming **Waste Connections of California, Inc.** business as Co-
Respondent(s).
17 Complainant is naming **Waste Connections Management Services, Inc.** business as Co-
Respondent(s).
18 Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).
Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).
19 Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).

20 3. Complainant **Lusiano Morales**, resides in the City of **Pasadena**, State of **CA**.
21

22 4. Complainant alleges that on or about **March 8, 2024**, respondent took the
following adverse actions:

23 **Complainant was harassed** because of complainant's ancestry, national origin (includes
24 language restrictions), color, religious creed - includes dress and grooming practices,
genetic information or characteristic, medical condition (cancer or genetic characteristic),
25 age (40 and over), marital status, other, association with a member of a protected class,

26 -2-

27 Complaint – CRD No. 202410-26848728

28 Date Filed: October 28, 2024

1 bereavement leave, disability (physical, intellectual/developmental, mental
2 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
3 employee or family member, child bonding, or military exigencies, race (includes hairstyle
4 and hair texture).

5 **Complainant was discriminated against** because of complainant's ancestry, national
6 origin (includes language restrictions), color, religious creed - includes dress and grooming
7 practices, genetic information or characteristic, medical condition (cancer or genetic
8 characteristic), age (40 and over), marital status, other, association with a member of a
9 protected class, bereavement leave, disability (physical, intellectual/developmental, mental
10 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
11 employee or family member, child bonding, or military exigencies, race (includes hairstyle
12 and hair texture) and as a result of the discrimination was terminated, laid off, forced to quit,
13 denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-
14 related questions, denied any employment benefit or privilege, denied accommodation for
15 religious beliefs, other, denied work opportunities or assignments, denied or forced to
16 transfer, denied accommodation for a disability, denied bereavement leave, denied
17 employer paid health care while on family care and medical leave (cfra), denied family care
18 and medical leave (cfra) related to serious health condition of employee or family member,
19 child bonding, or military exigencies.

20 **Complainant experienced retaliation** because complainant reported or resisted any form
21 of discrimination or harassment, requested or used a disability-related accommodation,
22 requested or used a religious accommodation, participated as a witness in a discrimination
23 or harassment complaint, requested or used bereavement leave, requested or used family
24 care and medical leave (cfra) related to serious health condition of employee or family
25 member, child bonding, or military exigencies and as a result was terminated, laid off, forced
26 to quit, denied hire or promotion, reprimanded, suspended, demoted, asked impermissible
27 non-job-related questions, denied any employment benefit or privilege, denied
28 accommodation for religious beliefs, other, denied work opportunities or assignments,
denied or forced to transfer, denied accommodation for a disability, denied bereavement
leave, denied employer paid health care while on family care and medical leave (cfra),
denied family care and medical leave (cfra) related to serious health condition of employee
or family member, child bonding, or military exigencies.

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against
based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
national origins, age, engagement in protected activities, medical leave, and wrongful
termination.

1 VERIFICATION

2 I, **Angel D. Pluas**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based
4 on information and belief, which I believe to be true.

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Pasadena, CA

-4-

Complaint – CRD No. 202410-26848728

Date Filed: October 28, 2024



Civil Rights Department

KEVIN KISH, DIRECTOR

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
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October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26849128
Right to Sue: Hernandez / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

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October 28, 2024

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202410-26849128

Right to Sue: Hernandez / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



Civil Rights Department

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calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Ricky Hernandez
 c/o Milon Pluas LLP, 20 N Raymond Ave., Suite 350
 Pasadena, CA 91103

RE: **Notice of Case Closure and Right to Sue**
 CRD Matter Number: 202410-26849128
 Right to Sue: Hernandez / Clover Flat Land Fill Inc. et al.

Dear Ricky Hernandez:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

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To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Ricky Hernandez

CRD No. 202410-26849128

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections of California, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Christina Pestoni
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

UVA Vineyard Management LLC.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation

-1-

Complaint – CRD No. 202410-26849128

Date Filed: October 28, 2024

1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections US, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections Management Services, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Pestoni Enterprises LLC.
1285 Whitehall Lane
Saint Helena, CA 94574

Respondents

1. Respondent **Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
Complainant is naming **Waste Connections of California, Inc.** business as Co-Respondent(s).
Complainant is naming **Vista Corporation** business as Co-Respondent(s).
Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).
Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).
Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).
Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
Complainant is naming **Waste Connections Management Services, Inc.** business as Co-Respondent(s).
Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).

3. Complainant **Ricky Hernandez**, resides in the City of **Pasadena**, State of **CA**.

4. Complainant alleges that on or about **November 1, 2023**, respondent took the following adverse actions:

Complainant was harassed because of complainant's ancestry, national origin (includes language restrictions), color, religious creed - includes dress and grooming practices, genetic information or characteristic, medical condition (cancer or genetic characteristic), age (40 and over), marital status, other, association with a member of a protected class,

1 bereavement leave, disability (physical, intellectual/developmental, mental
2 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
3 employee or family member, child bonding, or military exigencies, race (includes hairstyle
4 and hair texture).

5 **Complainant was discriminated against** because of complainant's ancestry, national
6 origin (includes language restrictions), color, religious creed - includes dress and grooming
7 practices, genetic information or characteristic, medical condition (cancer or genetic
8 characteristic), age (40 and over), marital status, other, association with a member of a
9 protected class, bereavement leave, disability (physical, intellectual/developmental, mental
10 health/psychiatric), race (includes hairstyle and hair texture) and as a result of the
11 discrimination was terminated, laid off, forced to quit, denied hire or promotion, reprimanded,
12 suspended, demoted, asked impermissible non-job-related questions, denied any
13 employment benefit or privilege, denied accommodation for religious beliefs, other, denied
14 work opportunities or assignments, denied or forced to transfer, denied accommodation for
15 a disability, denied bereavement leave, denied employer paid health care while on family
16 care and medical leave (cfra), denied family care and medical leave (cfra) related to serious
17 health condition of employee or family member, child bonding, or military exigencies.

18 **Complainant experienced retaliation** because complainant reported or resisted any form
19 of discrimination or harassment, requested or used a disability-related accommodation,
20 requested or used a religious accommodation, participated as a witness in a discrimination
21 or harassment complaint, requested or used bereavement leave, requested or used family
22 care and medical leave (cfra) related to serious health condition of employee or family
23 member, child bonding, or military exigencies and as a result was terminated, laid off, forced
24 to quit, denied hire or promotion, reprimanded, suspended, demoted, asked impermissible
25 non-job-related questions, denied any employment benefit or privilege, denied
26 accommodation for religious beliefs, other, denied work opportunities or assignments,
27 denied or forced to transfer, denied accommodation for a disability, denied bereavement
28 leave, denied employer paid health care while on family care and medical leave (cfra),
denied family care and medical leave (cfra) related to serious health condition of employee
or family member, child bonding, or military exigencies.

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against
based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
national origins, age, engagement in protected activities, medical leave, and wrongful
termination.

1 VERIFICATION

2 I, **Angel D. Pluas**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based
4 on information and belief, which I believe to be true.

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Pasadena, CA

-4-

Complaint – CRD No. 202410-26849128

Date Filed: October 28, 2024



Civil Rights Department

KEVIN KISH, DIRECTOR

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October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26846928
Right to Sue: Mendez Avendano / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

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October 28, 2024

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202410-26846928

Right to Sue: Mendez Avendano / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



Civil Rights Department

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October 28, 2024

Joise Mendez Avendano
 c/o Milon Pluas LLP, 20 N Raymond Ave., Suite 350
 Pasadena, CA 91103

RE: Notice of Case Closure and Right to Sue
 CRD Matter Number: 202410-26846928
 Right to Sue: Mendez Avendano / Clover Flat Land Fill Inc. et al.

Dear Joise Mendez Avendano:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

KEVIN KISH, DIRECTOR

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Joise Mendez Avendano

CRD No. 202410-26846928

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections Management Services, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections US, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections of California, Inc.

-1-

Complaint – CRD No. 202410-26846928

Date Filed: October 28, 2024

1 1285 Whitehall Lane
Saint Helena, CA 94574

2 Pestoni Enterprises LLC.
3 1285 Whitehall Lane
4 Saint Helena, CA 94574

5 UVA Vineyard Management LLC.
6 1285 Whitehall Lane
Saint Helena, CA 94574

7 Christina Pestoni
8 1285 Whitehall Lane
Saint Helena, CA 94574

9 Respondents

10
11 1. Respondent **Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California
12 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

13 2. Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).
14 Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
15 Complainant is naming **Waste Connections Management Services, Inc.** business as Co-
Respondent(s).
16 Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
17 Complainant is naming **Vista Corporation** business as Co-Respondent(s).
18 Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
19 Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
20 Complainant is naming **Waste Connections of California, Inc.** business as Co-
Respondent(s).
21 Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).
22 Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).
23 Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).

24 3. Complainant **Joise Mendez Avendano**, resides in the City of **Pasadena**, State of **CA**.

25 4. Complainant alleges that on or about **October 28, 2024**, respondent took the
26 following adverse actions:

27 **Complainant was harassed** because of complainant's ancestry, national origin (includes
28 language restrictions), color, genetic information or characteristic, medical condition (cancer
or genetic characteristic), age (40 and over), marital status, other, association with a
member of a protected class, bereavement leave, disability (physical,

-2-

Complaint – CRD No. 202410-26846928

Date Filed: October 28, 2024

1 intellectual/developmental, mental health/psychiatric), family care and medical leave (cfra)
2 related to serious health condition of employee or family member, child bonding, or military
3 exigencies, race (includes hairstyle and hair texture).

4 **Complainant was discriminated against** because of complainant's ancestry, national
5 origin (includes language restrictions), color, genetic information or characteristic, medical
6 condition (cancer or genetic characteristic), age (40 and over), marital status, other,
7 association with a member of a protected class, bereavement leave, disability (physical,
8 intellectual/developmental, mental health/psychiatric), family care and medical leave (cfra)
9 related to serious health condition of employee or family member, child bonding, or military
10 exigencies, race (includes hairstyle and hair texture) and as a result of the discrimination
11 was laid off, forced to quit, denied hire or promotion, reprimanded, suspended, demoted,
12 asked impermissible non-job-related questions, denied any employment benefit or privilege,
13 denied accommodation for religious beliefs, other, denied work opportunities or
14 assignments, denied or forced to transfer, denied accommodation for a disability, denied
15 bereavement leave, denied employer paid health care while on family care and medical
16 leave (cfra), denied family care and medical leave (cfra) related to serious health condition
17 of employee or family member, child bonding, or military exigencies.

18 **Complainant experienced retaliation** because complainant reported or resisted any form
19 of discrimination or harassment, requested or used a disability-related accommodation,
20 requested or used a religious accommodation, participated as a witness in a discrimination
21 or harassment complaint, requested or used bereavement leave, requested or used family
22 care and medical leave (cfra) related to serious health condition of employee or family
23 member, child bonding, or military exigencies and as a result was laid off, forced to quit,
24 denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-
25 related questions, denied any employment benefit or privilege, denied accommodation for
26 religious beliefs, other, denied work opportunities or assignments, denied or forced to
27 transfer, denied accommodation for a disability, denied bereavement leave, denied
28 employer paid health care while on family care and medical leave (cfra), denied family care
and medical leave (cfra) related to serious health condition of employee or family member,
child bonding, or military exigencies.

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against
based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
national origins, age, engagement in protected activities, medical leave, and wrongful
termination.

1 VERIFICATION

2 I, **Angel D. Pluas**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based
4 on information and belief, which I believe to be true.

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Pasadena, CA

-4-

Complaint – CRD No. 202410-26846928

Date Filed: October 28, 2024



Civil Rights Department

KEVIN KISH, DIRECTOR

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calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26852029
Right to Sue: Guzman / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

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October 28, 2024

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202410-26852029

Right to Sue: Guzman / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



Civil Rights Department

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October 28, 2024

Romualdo Guzman
 c/o Milon Pluas LLP, 20 N Raymond Ave., Suite 350
 Pasadena, CA 91103

RE: **Notice of Case Closure and Right to Sue**
 CRD Matter Number: 202410-26852029
 Right to Sue: Guzman / Clover Flat Land Fill Inc. et al.

Dear Romualdo Guzman:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

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To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Romualdo Guzman

CRD No. 202410-26852029

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Christina Pestoni
1285 Whitehall Lane
Saint Helena, CA 94574

UVA Vineyard Management LLC.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections US, Inc.

-1-

Complaint – CRD No. 202410-26852029

Date Filed: October 28, 2024

1 1285 Whitehall Lane
Saint Helena, CA 94574

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3 Waste Connections of California, Inc.
4 1285 Whitehall Lane
Saint Helena, CA 94574

5 Waste Connections Management Services, Inc.
6 1285 Whitehall Lane
Saint Helena, CA 94574

7 Pestoni Enterprises LLC.
8 1285 Whitehall Lane
Saint Helena, CA 94574

9 Respondents

10
11 1. Respondent **Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California
12 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

13 2. Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).
14 Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).
15 Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).
16 Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
17 Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
18 Complainant is naming **Vista Corporation** business as Co-Respondent(s).
19 Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
20 Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
21 Complainant is naming **Waste Connections of California, Inc.** business as Co-
22 Respondent(s).
23 Complainant is naming **Waste Connections Management Services, Inc.** business as Co-
24 Respondent(s).
25 Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).

26 3. Complainant **Romualdo Guzman**, resides in the City of **Pasadena**, State of **CA**.

27 4. Complainant alleges that on or about **May 1, 2024**, respondent took the following
28 adverse actions:

Complainant was harassed because of complainant's ancestry, national origin (includes language restrictions), color, religious creed - includes dress and grooming practices, genetic information or characteristic, medical condition (cancer or genetic characteristic), age (40 and over), marital status, other, association with a member of a protected class,

-2-

Complaint – CRD No. 202410-26852029

Date Filed: October 28, 2024

1 bereavement leave, disability (physical, intellectual/developmental, mental
2 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
3 employee or family member, child bonding, or military exigencies, race (includes hairstyle
4 and hair texture).

5 **Complainant was discriminated against** because of complainant's ancestry, national
6 origin (includes language restrictions), color, religious creed - includes dress and grooming
7 practices, genetic information or characteristic, medical condition (cancer or genetic
8 characteristic), age (40 and over), marital status, other, association with a member of a
9 protected class, bereavement leave, disability (physical, intellectual/developmental, mental
10 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
11 employee or family member, child bonding, or military exigencies, race (includes hairstyle
12 and hair texture) and as a result of the discrimination was terminated, laid off, forced to quit,
13 denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-
14 related questions, denied any employment benefit or privilege, denied accommodation for
15 religious beliefs, other, denied work opportunities or assignments, denied or forced to
16 transfer, denied accommodation for a disability, denied bereavement leave, denied
17 employer paid health care while on family care and medical leave (cfra), denied family care
18 and medical leave (cfra) related to serious health condition of employee or family member,
19 child bonding, or military exigencies.

20 **Complainant experienced retaliation** because complainant reported or resisted any form
21 of discrimination or harassment, requested or used a disability-related accommodation,
22 requested or used a religious accommodation, participated as a witness in a discrimination
23 or harassment complaint, requested or used bereavement leave, requested or used family
24 care and medical leave (cfra) related to serious health condition of employee or family
25 member, child bonding, or military exigencies and as a result was terminated, laid off, forced
26 to quit, denied hire or promotion, reprimanded, suspended, demoted, asked impermissible
27 non-job-related questions, denied any employment benefit or privilege, denied
28 accommodation for religious beliefs, other, denied work opportunities or assignments,
denied or forced to transfer, denied accommodation for a disability, denied bereavement
leave, denied employer paid health care while on family care and medical leave (cfra),
denied family care and medical leave (cfra) related to serious health condition of employee
or family member, child bonding, or military exigencies.

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against
based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
national origins, age, engagement in protected activities, medical leave, and wrongful
termination.

1 VERIFICATION

2 I, **Angel D. Pluas**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based
4 on information and belief, which I believe to be true.

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Pasadena, CA

-4-

Complaint – CRD No. 202410-26852029

Date Filed: October 28, 2024



Civil Rights Department

KEVIN KISH, DIRECTOR

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calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26849728
Right to Sue: Lopez Guzman / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

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October 28, 2024

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202410-26849728

Right to Sue: Lopez Guzman / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



Civil Rights Department

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October 28, 2024

Jose Lopez Guzman
 c/o Milon Pluas LLP, 20 N Raymond Ave., Suite 350
 Pasadena, CA 91103

RE: **Notice of Case Closure and Right to Sue**
 CRD Matter Number: 202410-26849728
 Right to Sue: Lopez Guzman / Clover Flat Land Fill Inc. et al.

Dear Jose Lopez Guzman:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

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To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Jose Lopez Guzman

CRD No. 202410-26849728

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

UVA Vineyard Management LLC.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

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Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
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Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections Management Services, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections US, Inc.

-1-

Complaint – CRD No. 202410-26849728

Date Filed: October 28, 2024

1 1285 Whitehall Lane
Saint Helena, CA 94574

2
3 Waste Connections of California, Inc.
4 1285 Whitehall Lane
Saint Helena, CA 94574

5 Pestoni Enterprises LLC.
6 1285 Whitehall Lane
Saint Helena, CA 94574

7 Christina Pestoni
8 1285 Whitehall Lane
Saint Helena, CA 94574

9 Respondents

10
11 1. Respondent **Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California
12 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

13 2. Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).
14 Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).
15 Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
16 Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
17 Complainant is naming **Vista Corporation** business as Co-Respondent(s).
18 Complainant is naming **Waste Connections Management Services, Inc.** business as Co-
19 Respondent(s).
20 Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
21 Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
22 Complainant is naming **Waste Connections of California, Inc.** business as Co-
23 Respondent(s).
24 Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).
25 Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).

26 3. Complainant **Jose Lopez Guzman**, resides in the City of **Pasadena**, State of **CA**.

27 4. Complainant alleges that on or about **October 28, 2024**, respondent took the
28 following adverse actions:

Complainant was harassed because of complainant's ancestry, national origin (includes language restrictions), color, religious creed - includes dress and grooming practices, genetic information or characteristic, medical condition (cancer or genetic characteristic), age (40 and over), marital status, other, association with a member of a protected class,

-2-

Complaint – CRD No. 202410-26849728

Date Filed: October 28, 2024

1 bereavement leave, disability (physical, intellectual/developmental, mental
2 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
3 employee or family member, child bonding, or military exigencies, race (includes hairstyle
4 and hair texture).

5 **Complainant was discriminated against** because of complainant's ancestry, national
6 origin (includes language restrictions), color, religious creed - includes dress and grooming
7 practices, genetic information or characteristic, medical condition (cancer or genetic
8 characteristic), age (40 and over), marital status, other, association with a member of a
9 protected class, bereavement leave, disability (physical, intellectual/developmental, mental
10 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
11 employee or family member, child bonding, or military exigencies, race (includes hairstyle
12 and hair texture) and as a result of the discrimination was laid off, forced to quit, denied hire
13 or promotion, reprimanded, suspended, demoted, asked impermissible non-job-related
14 questions, denied any employment benefit or privilege, denied accommodation for religious
15 beliefs, other, denied work opportunities or assignments, denied or forced to transfer, denied
16 accommodation for a disability, denied bereavement leave, denied employer paid health
17 care while on family care and medical leave (cfra), denied family care and medical leave
18 (cfra) related to serious health condition of employee or family member, child bonding, or
19 military exigencies.

20 **Complainant experienced retaliation** because complainant reported or resisted any form
21 of discrimination or harassment, requested or used a pregnancy-disability-related
22 accommodation, requested or used a disability-related accommodation, requested or used a
23 religious accommodation, participated as a witness in a discrimination or harassment
24 complaint, requested or used bereavement leave, requested or used family care and
25 medical leave (cfra) related to serious health condition of employee or family member, child
26 bonding, or military exigencies and as a result was laid off, forced to quit, denied hire or
27 promotion, reprimanded, suspended, demoted, asked impermissible non-job-related
28 questions, denied any employment benefit or privilege, denied accommodation for religious
beliefs, other, denied work opportunities or assignments, denied or forced to transfer, denied
accommodation for a disability, denied bereavement leave, denied employer paid health
care while on family care and medical leave (cfra), denied family care and medical leave
(cfra) related to serious health condition of employee or family member, child bonding, or
military exigencies.

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against
based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
national origins, age, engagement in protected activities, medical leave.

1 VERIFICATION

2 I, **Angel D. Pluas**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based
4 on information and belief, which I believe to be true.

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Pasadena, CA**
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26 -4-

27 *Complaint – CRD No. 202410-26849728*

28 Date Filed: October 28, 2024



Civil Rights Department

KEVIN KISH, DIRECTOR

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26850728
Right to Sue: Verdin / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

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October 28, 2024

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202410-26850728

Right to Sue: Verdin / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



Civil Rights Department

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 1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Efrain Inda Verdin
 c/o Milon Pluas LLP, 20 N Raymond Ave., Suite 350
 Pasadena, CA 91103

RE: **Notice of Case Closure and Right to Sue**
 CRD Matter Number: 202410-26850728
 Right to Sue: Verdin / Clover Flat Land Fill Inc. et al.

Dear Efrain Inda Verdin:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

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To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Efrain Inda Verdin

CRD No. 202410-26850728

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

UVA Vineyard Management LLC.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections US, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections of California, Inc.

-1-

Complaint – CRD No. 202410-26850728

Date Filed: October 28, 2024

1 1285 Whitehall Lane
Saint Helena, CA 94574

2 Waste Connections Management Services, Inc.
3 1285 Whitehall Lane
4 Saint Helena, CA 94574

5 Pestoni Enterprises LLC.
6 1285 Whitehall Lane
Saint Helena, CA 94574

7 Christina Pestoni
8 1285 Whitehall Lane
Saint Helena, CA 94574

9 Respondents

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11 1. Respondent **Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California
12 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

13 2. Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).
Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).
14 Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
15 Complainant is naming **Vista Corporation** business as Co-Respondent(s).
Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
16 Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
Complainant is naming **Waste Connections of California, Inc.** business as Co-
17 Respondent(s).
Complainant is naming **Waste Connections Management Services, Inc.** business as Co-
18 Respondent(s).
Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).
19 Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).

20 3. Complainant **Efrain Inda Verdin**, resides in the City of **Pasadena**, State of **CA**.

21
22 4. Complainant alleges that on or about **October 28, 2024**, respondent took the
following adverse actions:

23 **Complainant was harassed** because of complainant's ancestry, national origin (includes
24 language restrictions), color, religious creed - includes dress and grooming practices,
genetic information or characteristic, medical condition (cancer or genetic characteristic),
25 age (40 and over), marital status, other, association with a member of a protected class,

26 -2-

27 Complaint – CRD No. 202410-26850728

28 Date Filed: October 28, 2024

1 bereavement leave, disability (physical, intellectual/developmental, mental
2 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
3 employee or family member, child bonding, or military exigencies, race (includes hairstyle
4 and hair texture).

5 **Complainant was discriminated against** because of complainant's ancestry, national
6 origin (includes language restrictions), color, religious creed - includes dress and grooming
7 practices, genetic information or characteristic, medical condition (cancer or genetic
8 characteristic), age (40 and over), marital status, other, association with a member of a
9 protected class, bereavement leave, disability (physical, intellectual/developmental, mental
10 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
11 employee or family member, child bonding, or military exigencies, race (includes hairstyle
12 and hair texture) and as a result of the discrimination was laid off, forced to quit, denied hire
13 or promotion, reprimanded, suspended, demoted, asked impermissible non-job-related
14 questions, denied any employment benefit or privilege, denied accommodation for religious
15 beliefs, other, denied work opportunities or assignments, denied or forced to transfer, denied
16 accommodation for a disability, denied bereavement leave, denied employer paid health
17 care while on family care and medical leave (cfra), denied family care and medical leave
18 (cfra) related to serious health condition of employee or family member, child bonding, or
19 military exigencies.

20 **Complainant experienced retaliation** because complainant reported or resisted any form
21 of discrimination or harassment, requested or used a pregnancy-disability-related
22 accommodation, requested or used a disability-related accommodation, requested or used a
23 religious accommodation, participated as a witness in a discrimination or harassment
24 complaint, requested or used bereavement leave, requested or used family care and
25 medical leave (cfra) related to serious health condition of employee or family member, child
26 bonding, or military exigencies and as a result was laid off, forced to quit, denied hire or
27 promotion, reprimanded, suspended, demoted, asked impermissible non-job-related
28 questions, denied any employment benefit or privilege, denied accommodation for religious
beliefs, other, denied work opportunities or assignments, denied or forced to transfer, denied
accommodation for a disability, denied bereavement leave, denied employer paid health
care while on family care and medical leave (cfra), denied family care and medical leave
(cfra) related to serious health condition of employee or family member, child bonding, or
military exigencies.

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against
based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
national origins, age, engagement in protected activities, medical leave.

1 VERIFICATION

2 I, **Angel D. Pluas**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based
4 on information and belief, which I believe to be true.

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Pasadena, CA

-4-

Complaint – CRD No. 202410-26850728

Date Filed: October 28, 2024



Civil Rights Department

KEVIN KISH, DIRECTOR

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26849328
Right to Sue: Altamirano Reyes / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

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calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202410-26849328

Right to Sue: Altamirano Reyes / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



Civil Rights Department

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 1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Pomilio Jacinto Altamirano Reyes
 c/o Milon Pluas LLP, 20 N Raymond Ave., Suite 350
 Pasadena, CA 91103

RE: Notice of Case Closure and Right to Sue
 CRD Matter Number: 202410-26849328
 Right to Sue: Altamirano Reyes / Clover Flat Land Fill Inc. et al.

Dear Pomilio Jacinto Altamirano Reyes:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

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To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Pomilio Jacinto Altamirano Reyes

CRD No. 202410-26849328

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections US, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Pestoni Enterprises LLC.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections of California, Inc.

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Complaint – CRD No. 202410-26849328

Date Filed: October 28, 2024

1 1285 Whitehall Lane
Saint Helena, CA 94574

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3 Waste Connections Management Services, Inc.
4 1285 Whitehall Lane
Saint Helena, CA 94574

5 UVA Vineyard Management LLC.
6 1285 Whitehall Lane
Saint Helena, CA 94574

7 Christina Pestoni
8 1285 Whitehall Lane
Saint Helena, CA 94574

9 Respondents

10
11 1. Respondent **Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California
12 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

13 2. Complainant is naming **Vista Corporation** business as Co-Respondent(s).
14 Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).
15 Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
16 Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).
17 Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
18 Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
19 Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
20 Complainant is naming **Waste Connections of California, Inc.** business as Co-
21 Respondent(s).
22 Complainant is naming **Waste Connections Management Services, Inc.** business as Co-
23 Respondent(s).
24 Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).
25 Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).

26 3. Complainant **Pomilio Jacinto Altamirano Reyes**, resides in the City of **Pasadena**, State of
27 **CA**.

28 4. Complainant alleges that on or about **October 28, 2024**, respondent took the
following adverse actions:

Complainant was harassed because of complainant's ancestry, national origin (includes language restrictions), color, religious creed - includes dress and grooming practices, genetic information or characteristic, medical condition (cancer or genetic characteristic),

-2-

Complaint – CRD No. 202410-26849328

Date Filed: October 28, 2024

age (40 and over), marital status, other, association with a member of a protected class, bereavement leave, disability (physical, intellectual/developmental, mental health/psychiatric), family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies, race (includes hairstyle and hair texture).

Complainant was discriminated against because of complainant's ancestry, national origin (includes language restrictions), color, religious creed - includes dress and grooming practices, genetic information or characteristic, medical condition (cancer or genetic characteristic), age (40 and over), marital status, other, association with a member of a protected class, bereavement leave, disability (physical, intellectual/developmental, mental health/psychiatric), family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies, race (includes hairstyle and hair texture) and as a result of the discrimination was laid off, forced to quit, denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-related questions, denied any employment benefit or privilege, denied accommodation for religious beliefs, other, denied work opportunities or assignments, denied or forced to transfer, denied accommodation for a disability, denied bereavement leave, denied employer paid health care while on family care and medical leave (cfra), denied family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies.

Complainant experienced retaliation because complainant reported or resisted any form of discrimination or harassment, requested or used a disability-related accommodation, requested or used a religious accommodation, participated as a witness in a discrimination or harassment complaint, requested or used bereavement leave, requested or used family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies and as a result was laid off, forced to quit, denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-related questions, denied any employment benefit or privilege, denied accommodation for religious beliefs, other, denied work opportunities or assignments, denied or forced to transfer, denied accommodation for a disability, denied bereavement leave, denied employer paid health care while on family care and medical leave (cfra), denied family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies.

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against based upon Claimants' disabilities and/or perceived disabilities, medical condition, race, national origins, age, engagement in protected activities, medical leave.

1 VERIFICATION

2 I, **Angel D. Pluas**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based
4 on information and belief, which I believe to be true.

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Pasadena, CA**
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27 *Complaint – CRD No. 202410-26849328*

28 Date Filed: October 28, 2024

Civil Rights Department

KEVIN KISH, DIRECTOR

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1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26850028
Right to Sue: Reyes / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department

Civil Rights Department

KEVIN KISH, DIRECTOR

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202410-26850028

Right to Sue: Reyes / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department

Civil Rights Department

KEVIN KISH, DIRECTOR

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Pedro Reyes
c/o Milon Pluas LLP, 20 N Raymond Ave., Suite 350
Pasadena, CA 91103

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202410-26850028
Right to Sue: Reyes / Clover Flat Land Fill Inc. et al.

Dear Pedro Reyes:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

Civil Rights Department

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To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Pedro Reyes

CRD No. 202410-26850028

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Christina Pestoni
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Pestoni Enterprises LLC.
1285 Whitehall Lane
Saint Helena, CA 94574

UVA Vineyard Management LLC.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation

-1-

Complaint – CRD No. 202410-26850028

Date Filed: October 28, 2024

1 1285 Whitehall Lane
Saint Helena, CA 94574

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3 Waste Connections US, Inc.
4 1285 Whitehall Lane
Saint Helena, CA 94574

5 Waste Connections of California, Inc.
6 1285 Whitehall Lane
Saint Helena, CA 94574

7 Waste Connections Management Services, Inc.
8 1285 Whitehall Lane
Saint Helena, CA 94574

9 Respondents

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11 1. Respondent **Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California
12 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

13 2. Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).
Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).
14 Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
15 Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).
Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).
16 Complainant is naming **Vista Corporation** business as Co-Respondent(s).
Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
17 Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
Complainant is naming **Waste Connections of California, Inc.** business as Co-
18 Respondent(s).
Complainant is naming **Waste Connections Management Services, Inc.** business as Co-
19 Respondent(s).

20 3. Complainant **Pedro Reyes**, resides in the City of **Pasadena**, State of **CA**.

21
22 4. Complainant alleges that on or about **March 8, 2024**, respondent took the
following adverse actions:

23 **Complainant was harassed** because of complainant's ancestry, national origin (includes
24 language restrictions), color, religious creed - includes dress and grooming practices,
genetic information or characteristic, medical condition (cancer or genetic characteristic),
25 age (40 and over), marital status, other, association with a member of a protected class,

26 -2-

27 Complaint – CRD No. 202410-26850028

28 Date Filed: October 28, 2024

1 bereavement leave, disability (physical, intellectual/developmental, mental
2 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
3 employee or family member, child bonding, or military exigencies, race (includes hairstyle
4 and hair texture).

5 **Complainant was discriminated against** because of complainant's ancestry, national
6 origin (includes language restrictions), color, religious creed - includes dress and grooming
7 practices, genetic information or characteristic, medical condition (cancer or genetic
8 characteristic), age (40 and over), marital status, other, association with a member of a
9 protected class, bereavement leave, disability (physical, intellectual/developmental, mental
10 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
11 employee or family member, child bonding, or military exigencies, race (includes hairstyle
12 and hair texture) and as a result of the discrimination was terminated, laid off, forced to quit,
13 denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-
14 related questions, denied any employment benefit or privilege, denied accommodation for
15 religious beliefs, other, denied work opportunities or assignments, denied or forced to
16 transfer, denied accommodation for a disability, denied bereavement leave, denied
17 employer paid health care while on family care and medical leave (cfra), denied family care
18 and medical leave (cfra) related to serious health condition of employee or family member,
19 child bonding, or military exigencies.

20 **Complainant experienced retaliation** because complainant reported or resisted any form
21 of discrimination or harassment, requested or used a disability-related accommodation,
22 requested or used a religious accommodation, participated as a witness in a discrimination
23 or harassment complaint, requested or used bereavement leave, requested or used family
24 care and medical leave (cfra) related to serious health condition of employee or family
25 member, child bonding, or military exigencies and as a result was terminated, laid off, forced
26 to quit, denied hire or promotion, reprimanded, suspended, demoted, asked impermissible
27 non-job-related questions, denied any employment benefit or privilege, denied
28 accommodation for religious beliefs, other, denied work opportunities or assignments,
denied or forced to transfer, denied accommodation for a disability, denied bereavement
leave, denied employer paid health care while on family care and medical leave (cfra),
denied family care and medical leave (cfra) related to serious health condition of employee
or family member, child bonding, or military exigencies.

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against
based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
national origins, age, engagement in protected activities, medical leave, and wrongful
termination.

1 VERIFICATION

2 I, **Angel D. Pluas**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based
4 on information and belief, which I believe to be true.

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Pasadena, CA

-4-

Complaint – CRD No. 202410-26850028

Date Filed: October 28, 2024



Civil Rights Department

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26850328
Right to Sue: Carillo Padilla / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

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October 28, 2024

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202410-26850328

Right to Sue: Carillo Padilla / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



Civil Rights Department

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October 28, 2024

Juan Pablo Carillo Padilla
 c/o Milon Pluas LLP, 20 N Raymond Ave., Suite 350
 Pasadena, CA 91103

RE: **Notice of Case Closure and Right to Sue**
 CRD Matter Number: 202410-26850328
 Right to Sue: Carillo Padilla / Clover Flat Land Fill Inc. et al.

Dear Juan Pablo Carillo Padilla:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

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calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Juan Pablo Carillo Padilla

CRD No. 202410-26850328

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Pasadena, CA 94574

Waste Connections of California, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

UVA Vineyard Management LLC.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections US, Inc.

-1-

Complaint – CRD No. 202410-26850328

Date Filed: October 28, 2024

1 1285 Whitehall Lane
Saint Helena, CA 94574

2 Waste Connections Management Services, Inc.
3 1285 Whitehall Lane
4 Saint Helena, CA 94574

5 Pestoni Enterprises LLC.
6 1285 Whitehall Lane
Saint Helena, CA 94574

7 Christina Pestoni
8 1285 Whitehall Lane
Saint Helena, CA 94574

9 Respondents

10
11 1. Respondent **Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California
12 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

13 2. Complainant is naming **Waste Connections of California, Inc.** business as Co-
Respondent(s).
14 Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).
Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
15 Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).
Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
16 Complainant is naming **Vista Corporation** business as Co-Respondent(s).
Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
17 Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
Complainant is naming **Waste Connections Management Services, Inc.** business as Co-
18 Respondent(s).
Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).
19 Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).

20 3. Complainant **Juan Pablo Carillo Padilla**, resides in the City of **Pasadena**, State of **CA**.

21
22 4. Complainant alleges that on or about **August 1, 2022**, respondent took the
following adverse actions:

23 **Complainant was harassed** because of complainant's ancestry, national origin (includes
24 language restrictions), color, religious creed - includes dress and grooming practices,
genetic information or characteristic, medical condition (cancer or genetic characteristic),
25 age (40 and over), marital status, other, association with a member of a protected class,

26 -2-

27 Complaint – CRD No. 202410-26850328

28 Date Filed: October 28, 2024

1 bereavement leave, disability (physical, intellectual/developmental, mental
2 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
3 employee or family member, child bonding, or military exigencies, race (includes hairstyle
4 and hair texture).

5 **Complainant was discriminated against** because of complainant's ancestry, national
6 origin (includes language restrictions), color, religious creed - includes dress and grooming
7 practices, genetic information or characteristic, medical condition (cancer or genetic
8 characteristic), age (40 and over), marital status, other, association with a member of a
9 protected class, bereavement leave, disability (physical, intellectual/developmental, mental
10 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
11 employee or family member, child bonding, or military exigencies, race (includes hairstyle
12 and hair texture) and as a result of the discrimination was terminated, laid off, forced to quit,
13 denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-
14 related questions, denied any employment benefit or privilege, denied accommodation for
15 religious beliefs, other, denied work opportunities or assignments, denied or forced to
16 transfer, denied accommodation for a disability, denied bereavement leave, denied
17 employer paid health care while on family care and medical leave (cfra), denied family care
18 and medical leave (cfra) related to serious health condition of employee or family member,
19 child bonding, or military exigencies.

20 **Complainant experienced retaliation** because complainant reported or resisted any form
21 of discrimination or harassment, requested or used a disability-related accommodation,
22 requested or used a religious accommodation, participated as a witness in a discrimination
23 or harassment complaint, requested or used bereavement leave, requested or used family
24 care and medical leave (cfra) related to serious health condition of employee or family
25 member, child bonding, or military exigencies and as a result was terminated, laid off, forced
26 to quit, denied hire or promotion, reprimanded, suspended, demoted, asked impermissible
27 non-job-related questions, denied any employment benefit or privilege, denied
28 accommodation for religious beliefs, other, denied work opportunities or assignments,
denied or forced to transfer, denied accommodation for a disability, denied bereavement
leave, denied employer paid health care while on family care and medical leave (cfra),
denied family care and medical leave (cfra) related to serious health condition of employee
or family member, child bonding, or military exigencies.

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against
based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
national origins, age, engagement in protected activities, medical leave, and wrongful
termination.

1 VERIFICATION

2 I, **Angel D. Pluas**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based
4 on information and belief, which I believe to be true.

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Pasadena, CA**
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27 *Complaint – CRD No. 202410-26850328*

28 Date Filed: October 28, 2024



Civil Rights Department

KEVIN KISH, DIRECTOR

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26851029
Right to Sue: Hernandez / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

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calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202410-26851029

Right to Sue: Hernandez / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



Civil Rights Department

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 1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Elias Hernandez
 c/o Milon Pluas LLP, 20 N Raymond Ave., Suite 350
 Pasadena, CA 91103

RE: **Notice of Case Closure and Right to Sue**
 CRD Matter Number: 202410-26851029
 Right to Sue: Hernandez / Clover Flat Land Fill Inc. et al.

Dear Elias Hernandez:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

KEVIN KISH, DIRECTOR

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Elias Hernandez

CRD No. 202410-26851029

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections of California, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Christina Pestoni
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections US, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation

-1-

Complaint – CRD No. 202410-26851029

Date Filed: October 28, 2024

1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections Management Services, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Pestoni Enterprises LLC.
1285 Whitehall Lane
Saint Helena, CA 94574

UVA Vineyard Management LLC.
1285 Whitehall Lane
Saint Helena, CA 94574

Respondents

1. Respondent **Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant is naming **Waste Connections of California, Inc.** business as Co-Respondent(s).
Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).
Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).
Complainant is naming **Vista Corporation** business as Co-Respondent(s).
Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
Complainant is naming **Waste Connections Management Services, Inc.** business as Co-Respondent(s).
Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).
Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).

3. Complainant **Elias Hernandez**, resides in the City of **Pasadena**, State of **CA**.

4. Complainant alleges that on or about **March 8, 2024**, respondent took the following adverse actions:

Complainant was harassed because of complainant's ancestry, national origin (includes language restrictions), color, religious creed - includes dress and grooming practices, genetic information or characteristic, medical condition (cancer or genetic characteristic), age (40 and over), marital status, other, association with a member of a protected class,

1 bereavement leave, disability (physical, intellectual/developmental, mental
2 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
3 employee or family member, child bonding, or military exigencies, race (includes hairstyle
4 and hair texture).

5 **Complainant was discriminated against** because of complainant's ancestry, national
6 origin (includes language restrictions), color, religious creed - includes dress and grooming
7 practices, genetic information or characteristic, medical condition (cancer or genetic
8 characteristic), age (40 and over), marital status, other, association with a member of a
9 protected class, bereavement leave, disability (physical, intellectual/developmental, mental
10 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
11 employee or family member, child bonding, or military exigencies, race (includes hairstyle
12 and hair texture) and as a result of the discrimination was terminated, laid off, forced to quit,
13 denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-
14 related questions, denied any employment benefit or privilege, denied accommodation for
15 religious beliefs, other, denied work opportunities or assignments, denied or forced to
16 transfer, denied accommodation for a disability, denied bereavement leave, denied
17 employer paid health care while on family care and medical leave (cfra), denied family care
18 and medical leave (cfra) related to serious health condition of employee or family member,
19 child bonding, or military exigencies.

20 **Complainant experienced retaliation** because complainant reported or resisted any form
21 of discrimination or harassment, requested or used a disability-related accommodation,
22 requested or used a religious accommodation, participated as a witness in a discrimination
23 or harassment complaint, requested or used bereavement leave, requested or used family
24 care and medical leave (cfra) related to serious health condition of employee or family
25 member, child bonding, or military exigencies and as a result was terminated, laid off, forced
26 to quit, denied hire or promotion, reprimanded, suspended, demoted, asked impermissible
27 non-job-related questions, denied any employment benefit or privilege, denied
28 accommodation for religious beliefs, other, denied work opportunities or assignments,
denied or forced to transfer, denied accommodation for a disability, denied bereavement
leave, denied employer paid health care while on family care and medical leave (cfra),
denied family care and medical leave (cfra) related to serious health condition of employee
or family member, child bonding, or military exigencies.

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against
based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
national origins, age, engagement in protected activities, medical leave, and wrongful
termination.

1 VERIFICATION

2 I, **Angel D. Pluas**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based
4 on information and belief, which I believe to be true.

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Pasadena, CA**
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26 -4-

27 *Complaint – CRD No. 202410-26851029*

28 Date Filed: October 28, 2024



Civil Rights Department

KEVIN KISH, DIRECTOR

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26851229
Right to Sue: Reyes / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

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calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202410-26851229

Right to Sue: Reyes / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



Civil Rights Department

KEVIN KISH, DIRECTOR

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October 28, 2024

Armando Reyes
 c/o Milon Pluas LLP, 20 N Raymond Ave., Suite 350
 Pasadena, CA 91103

RE: **Notice of Case Closure and Right to Sue**
 CRD Matter Number: 202410-26851229
 Right to Sue: Reyes / Clover Flat Land Fill Inc. et al.

Dear Armando Reyes:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

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To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Armando Reyes

CRD No. 202410-26851229

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Christina Pestoni
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections US, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections of California, Inc.

-1-

Complaint – CRD No. 202410-26851229

Date Filed: October 28, 2024

1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections Management Services, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Pestoni Enterprises LLC.
1285 Whitehall Lane
Saint Helena, CA 94574

UVA Vineyard Management LLC.
1285 Whitehall Lane
Saint Helena, CA 94574

Respondents

1. Respondent **Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).
Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).
Complainant is naming **Vista Corporation** business as Co-Respondent(s).
Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
Complainant is naming **Waste Connections of California, Inc.** business as Co-Respondent(s).
Complainant is naming **Waste Connections Management Services, Inc.** business as Co-Respondent(s).
Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).
Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).

3. Complainant **Armando Reyes**, resides in the City of **Pasadena**, State of **CA**.

4. Complainant alleges that on or about **October 28, 2024**, respondent took the following adverse actions:

Complainant was harassed because of complainant's ancestry, national origin (includes language restrictions), color, genetic information or characteristic, medical condition (cancer or genetic characteristic), age (40 and over), marital status, other, association with a member of a protected class, bereavement leave, disability (physical,

intellectual/developmental, mental health/psychiatric), family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies, race (includes hairstyle and hair texture).

Complainant was discriminated against because of complainant's ancestry, national origin (includes language restrictions), color, religious creed - includes dress and grooming practices, genetic information or characteristic, medical condition (cancer or genetic characteristic), age (40 and over), marital status, other, association with a member of a protected class, bereavement leave, disability (physical, intellectual/developmental, mental health/psychiatric), family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies, race (includes hairstyle and hair texture) and as a result of the discrimination was laid off, forced to quit, denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-related questions, denied any employment benefit or privilege, denied accommodation for religious beliefs, other, denied work opportunities or assignments, denied or forced to transfer, denied accommodation for a disability, denied bereavement leave, denied employer paid health care while on family care and medical leave (cfra), denied family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies.

Complainant experienced retaliation because complainant reported or resisted any form of discrimination or harassment, requested or used a disability-related accommodation, requested or used a religious accommodation, participated as a witness in a discrimination or harassment complaint, requested or used bereavement leave, requested or used family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies and as a result was laid off, forced to quit, denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-related questions, denied any employment benefit or privilege, denied accommodation for religious beliefs, other, denied work opportunities or assignments, denied or forced to transfer, denied accommodation for a disability, denied bereavement leave, denied employer paid health care while on family care and medical leave (cfra), denied family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies.

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against based upon Claimants' disabilities and/or perceived disabilities, medical condition, race, national origins, age, engagement in protected activities, medical leave.

-3-

Complaint – CRD No. 202410-26851229

Date Filed: October 28, 2024

1 VERIFICATION

2 I, **Angel D. Pluas**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based
4 on information and belief, which I believe to be true.

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Pasadena, CA

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Complaint – CRD No. 202410-26851229

Date Filed: October 28, 2024



Civil Rights Department

KEVIN KISH, DIRECTOR

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calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26851929
Right to Sue: Carrillo De La Luz / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

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calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202410-26851929

Right to Sue: Carrillo De La Luz / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



Civil Rights Department

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 1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Juan Carrillo De La Luz
 c/o Milon Pluas LLP, 20 N Raymond Ave., Suite 350
 Pasadena, CA 91103

RE: **Notice of Case Closure and Right to Sue**
 CRD Matter Number: 202410-26851929
 Right to Sue: Carrillo De La Luz / Clover Flat Land Fill Inc. et al.

Dear Juan Carrillo De La Luz:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

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To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Juan Carrillo De La Luz

CRD No. 202410-26851929

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections US, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections of California, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections Management Services, Inc.

-1-

Complaint – CRD No. 202410-26851929

Date Filed: October 28, 2024

1285 Whitehall Lane
Saint Helena, CA 94574

Pestoni Enterprises LLC.
1285 Whitehall Lane
Saint Helena, CA 94574

UVA Vineyard Management LLC.
1285 Whitehall Lane
Saint Helena, CA 94574

Christina Pestoni
1285 Whitehall Lane
Saint Helena, CA 94574

Respondents

1. Respondent **Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).
Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
Complainant is naming **Vista Corporation** business as Co-Respondent(s).
Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
Complainant is naming **Waste Connections of California, Inc.** business as Co-Respondent(s).
Complainant is naming **Waste Connections Management Services, Inc.** business as Co-Respondent(s).
Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).
Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).
Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).

3. Complainant **Juan Carrillo De La Luz**, resides in the City of **Pasadena**, State of **CA**.

4. Complainant alleges that on or about **March 8, 2024**, respondent took the following adverse actions:

Complainant was harassed because of complainant's ancestry, national origin (includes language restrictions), color, religious creed - includes dress and grooming practices, genetic information or characteristic, medical condition (cancer or genetic characteristic), age (40 and over), marital status, other, association with a member of a protected class,

1 bereavement leave, disability (physical, intellectual/developmental, mental
2 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
3 employee or family member, child bonding, or military exigencies, race (includes hairstyle
4 and hair texture).

5 **Complainant was discriminated against** because of complainant's ancestry, national
6 origin (includes language restrictions), color, religious creed - includes dress and grooming
7 practices, genetic information or characteristic, medical condition (cancer or genetic
8 characteristic), age (40 and over), marital status, other, association with a member of a
9 protected class, bereavement leave, disability (physical, intellectual/developmental, mental
10 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
11 employee or family member, child bonding, or military exigencies, race (includes hairstyle
12 and hair texture) and as a result of the discrimination was terminated, laid off, forced to quit,
13 denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-
14 related questions, denied any employment benefit or privilege, denied accommodation for
15 religious beliefs, other, denied work opportunities or assignments, denied or forced to
16 transfer, denied accommodation for a disability, denied bereavement leave, denied
17 employer paid health care while on family care and medical leave (cfra), denied family care
18 and medical leave (cfra) related to serious health condition of employee or family member,
19 child bonding, or military exigencies.

20 **Complainant experienced retaliation** because complainant reported or resisted any form
21 of discrimination or harassment, requested or used a disability-related accommodation,
22 requested or used a religious accommodation, participated as a witness in a discrimination
23 or harassment complaint, requested or used bereavement leave, requested or used family
24 care and medical leave (cfra) related to serious health condition of employee or family
25 member, child bonding, or military exigencies and as a result was terminated, laid off, forced
26 to quit, denied hire or promotion, reprimanded, suspended, demoted, asked impermissible
27 non-job-related questions, denied any employment benefit or privilege, denied
28 accommodation for religious beliefs, other, denied work opportunities or assignments,
denied or forced to transfer, denied accommodation for a disability, denied bereavement
leave, denied employer paid health care while on family care and medical leave (cfra),
denied family care and medical leave (cfra) related to serious health condition of employee
or family member, child bonding, or military exigencies.

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against
based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
national origins, age, engagement in protected activities, medical leave, and wrongful
termination.

1 VERIFICATION

2 I, **Angel D. Pluas**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based
4 on information and belief, which I believe to be true.

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Pasadena, CA**
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27 *Complaint – CRD No. 202410-26851929*

28 Date Filed: October 28, 2024

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

GARY HERNANDEZ, an individual, JUAN MANUEL CARRILLO SR., an individual, FRANCISCO BAUTISTA, an individual, LUSIANO MORALES, an individual, RICKY HERNANDEZ, an individual, JOSE MENDEZ AVENDANO, an individual, ROMUALDO GUZMAN, an individual, JOSE LOPEZ GUZMAN, an individual, EFRAIN INDA VERDIN, an individual, POMILIO JACINTO ALTAMIRANO REYES, an individual, PEDRO REYES, an individual, JUAN PABLO CARILLO PADILLA, an individual, ELIAS HERNANDEZ, an individual, ARMANDO REYES, an individual, JUAN CARRILLO DE LA LUZ, an individual,

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES) Napa County

(c) Attorneys (Firm Name, Address, and Telephone Number)

Milon Piuas LLP
Angel Piuas (SBN 256478); Joshua Milon (SBN 245287)
Christopher DeClue (SBN 282807); Jose Valdez (SBN 341234)
20 N. Raymond Ave., Suite 350, Pasadena, California 91103
(626) 229-0844

Mann Rogal APC
Matthew L. Mann (SBN 276220);
Justin R. Rogal (SBN 273352)
16501 Ventura Boulevard, Suite 400, Encino, California 91436
(310) 620-2314

DEFENDANTS

CLOVER FLAT LAND FILL INC., a California Corporation, UPPER VALLEY RECYCLING, INC., a California Corporation, UPPER VALLEY DISPOSAL SERVICE a California Corporation, UPPER VALLEY DISPOSAL HOLDINGS, INC., a Delaware Corporation, VISTA CORPORATION, a California Corporation, WHITEHALL CORPORATION, a California Corporation, WASTE CONNECTIONS US, INC., a Delaware Corporation, WASTE CONNECTIONS OF CALIFORNIA INC., a California Corporation, WASTE CONNECTIONS MANAGEMENT SERVICES, INC., a Delaware Corporation, PESTONI ENTERPRISES LLC, California Limited Liability Company, UVA VINEYARD MANAGEMENT LLC, a California Limited Liability Company, CHRISTINE PESTONI, an individual, and DOES 1 to 50, inclusive

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) Napa County

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT		TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES		
110 Insurance	PERSONAL INJURY	PERSONAL INJURY	625 Drug Related Seizure of Property 21 USC § 881	422 Appeal 28 USC § 158	375 False Claims Act			
120 Marine						625 Drug Related Seizure of Property 21 USC § 881	423 Withdrawal 28 USC § 157	376 Qui Tam (31 USC § 3729(a))
130 Miller Act						690 Other		400 State Reapportionment
140 Negotiable Instrument								410 Antitrust
150 Recovery of Overpayment Of Veteran's Benefits								430 Banks and Banking
151 Medicare Act								450 Commerce
152 Recovery of Defaulted Student Loans (Excludes Veterans)								460 Deportation
153 Recovery of Overpayment of Veteran's Benefits								470 Racketeer Influenced & Corrupt Organizations
160 Stockholders' Suits								480 Consumer Credit
190 Other Contract								485 Telephone Consumer Protection Act
195 Contract Product Liability	CIVIL RIGHTS	PRISONER PETITIONS	462 Naturalization Application	861 HIA (1395ff)	490 Cable/Sat TV			
196 Franchise						463 Alien Detainee	862 Black Lung (923)	850 Securities/Commodities/Exchange
						510 Motions to Vacate Sentence	863 DIWC/DIWW (405(g))	890 Other Statutory Actions
						530 General	864 SSID Title XVI	891 Agricultural Acts
						535 Death Penalty	865 RSI (405(g))	893 Environmental Matters
								895 Freedom of Information Act
								896 Arbitration
								899 Administrative Procedure Act/Review or Appeal of Agency Decision
								950 Constitutionality of State Statutes
			</					

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation--Transfer ☐ 8 Multidistrict Litigation--Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 1981, 29 U.S.C. § 2601 et seq, Cal. Govt. Code §§ 12900, et seq, 28 U.S.C. § 1331, 28 U.S.C. § 1343 (a)(4), 28 U.S.C. § 1367
Brief description of cause:
42 U.S.C. § 1981, 29 U.S.C. § 2601 et seq, Cal. Govt. Code §§ 12900, et seq, 28 U.S.C. § 1331, 28 U.S.C. § 1343 (a)(4), 28 U.S.C. § 1367

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ TBD

CHECK YES only if demanded in complaint: JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE

DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only) ☒ SAN FRANCISCO/OAKLAND ☐ SAN JOSE ☐ EUREKA-MCKINLEYVILLE

DATE October 28, 2024

SIGNATURE OF ATTORNEY OF RECORD

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)
 - c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment).”
- II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an “X” in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.

From: [Lederer, Steven](#)
To: [ruralangwin](#)
Cc: [Ramirez, Alice](#)
Subject: RE: Comments on Upper Valley Waste Manage Agency
Date: Tuesday, April 14, 2026 11:13:29 AM

Received, thank you.

From: ruralangwin <kelliegato@gmail.com>
Sent: Monday, April 13, 2026 3:55 PM
To: Lederer, Steven <Steven.Lederer@countyofnapa.org>
Subject: Comments on Upper Valley Waste Manage Agency

[External Email - Use Caution]

Dear Board,

Please include my comments below in the agenda.

To Upper Valley Waste Management Agency,

Please distribute this to the full Board and Staff and include comments with the online agenda.

This is a request to:

- Immediately provide remote access to UVWMA board meetings. The community you serve has a right to accessible information regarding their health, safety and public dollars. Your budget allows this and the [Yountville](#) Town Council Chambers where you meet has all necessary technology.
- Also make recent and current agendas available on UVWMA website.
- Waste Connections has not submitted the paperwork for closure even though they stated before the UVWMA Board that they would submit closure documents by the end of 2025 (see article below). This commitment to the UVWMA Board and community has not occurred. Given their history of declaring closure in other communities without following through, the Board should ask for updates and ensure they hold the corporation to this commitment.
- <https://www.pressdemocrat.com/2025/04/24/closure-of-troubled-napa-valley-landfill-likely-to-begin-in-2027/>
- It is long past time to close Clover Flat Landfill in Napa County, owned by Upper Valley Disposal Service/Waste Connections.
- Continuing operations with volatile fuel loads in a high wildfire risk zone continues unnecessary wildfire and public safety risk to Napa Valley and surrounding counties.
- Continuing to increase toxic contamination loads in Napa County water resource areas (headwaters of the Napa River watershed) poses an unnecessary risk of large scale contamination of Napa Valley water resources.
- It is also long past time to move operations away from the UVDS/Waste Connections Whitehall Lane recycling/garbage processing and compost yard.

- - This site has a history of fires in close proximity to communities and high wildfire risk zones of west Napa Valley hills - creating unnecessary ongoing wildfire risk and public safety risk. This site also continues to process large scale toxic contamination loads at the center of the Napa Valley Agricultural Preserve/wine growing region and in the flood zone of the nearby Napa River, allowing continuing unnecessary large scale contamination risk. This is site that was originally a pig farm not built or intended to process high volumes of recycling, garbage or compost with inherent contamination loads.
 - Provide accountability to workers for long term exposure to fires and contamination.
 - Provide the competitive bidding for garbage services through your government contracts that the community has a legal right to, and which has been denied them the past sixty years (6 decades), to ensure transparency and secure the best value for public funds.

To see the devastating impacts to a community from long-term landfill mismanagement please watch this 13 minute documentary Buried Consequences on the Chiquita Canyon Landfill/Santa Clarita in Southern California another Waste Connections landfill.

Buried Consequences Documentary on Chiquita Canyon Landfill/Santa Clarita Ca.

<https://youtu.be/WvoUOmcTFBA?si=emIMrDjDKthQ5jCf>

Respectfully,

Kellie & Steve Kuhler
Angwin



Napa County

Board Agenda Letter

1195 THIRD STREET
SUITE 310
NAPA, CA 94559
www.napacounty.gov
Main: (707) 253-4580

Upper Valley Waste Management Agency (UVWMA)
File ID #: 26-913

Agenda Date: 4/20/2026

TO: Board of Directors
FROM: Steven Lederer - Manager, UVWMA
REPORT BY: Steven Lederer - Manager, UVWMA
SUBJECT: Reports from Jurisdictions

RECOMMENDATION

REPORTS FROM JURISDICTIONS

DISCUSSION ITEM: Reports by the member jurisdictions of current information relevant to the Agency:

Napa County

Calistoga

St. Helena

Yountville

BACKGROUND

None

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.



Napa County

Board Agenda Letter

1195 THIRD STREET
SUITE 310
NAPA, CA 94559
www.napacounty.gov
Main: (707) 253-4580

Upper Valley Waste Management Agency (UVWMA)
File ID #: 26-914

Agenda Date: 4/20/2026

TO: Board of Directors
FROM: Steven Lederer - Manager, UVWMA
REPORT BY: Steven Lederer - Manager, UVWMA
SUBJECT: Future Agenda Items

RECOMMENDATION

FUTURE AGENDA ITEMS

DISCUSSION ITEM: Discussion of any items Board members wish to have addressed at a future meeting date.

BACKGROUND

Future meetings will address the Board's fiscal reserve policy, and the Agency's Grant program.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.