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Superior Court of California
County of Los Angeles

JAN 06 2020

Sherri R. Carter, Executive Officer/Clerk of Court

By: Isaac Lovo, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

ARISTEO DOMINGUEZ, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

WOODWARD GOVERNOR COMPANY, a
Delaware corporation; WOODWARD HRT,
INC., a Delaware corporation; and DOES 1
through 100,

Defendants.

Case No.:

20STCV00322

CLASS ACTION COMPLAINT:

- (1) **MINIMUM WAGE VIOLATIONS**
(LABOR CODE §§ 1182.12, 1194,
1194.2, 1197);
- (2) **WAITING TIME PENALIES (LABOR**
CODE §§ 201-203); and
- (3) **UNFAIR COMPETITION (BUS &**
PROF CODE § 17200 et seq.).

DEMAND FOR JURY TRIAL
UNLIMITED CIVIL CASE

1 Plaintiff Aristeo Dominguez (“Plaintiff”) on behalf of himself and all others similarly
2 situated, hereby brings this Class Action Complaint against Defendants Woodward Governor
3 Company, a Delaware corporation; Woodward HRT, Inc., a Delaware corporation; and DOES 1
4 to 100, inclusive (collectively “Defendants”), and on information and belief alleges as follows:

5 **JURISDICTION**

6 1. Plaintiff, on behalf of himself and all others similarly situated, hereby brings this
7 action for recovery of unpaid wages and penalties under California Labor Code sections 201-203,
8 1182.12, 1194, 1194.2, and 1197, Business and Professions Code section 17200 *et. seq.*, and
9 Industrial Welfare Commission Wage Order 4 (“Wage Order 4”), in addition to seeking
10 declaratory relief and restitution. This action is brought pursuant to California Code of Civil
11 Procedure section 382. This Court has jurisdiction over Defendants’ violations of the California
12 Labor Code because the amount in controversy exceeds this Court's jurisdictional minimum.

13 **VENUE**

14 2. Venue is proper in this judicial district pursuant to California Code of Civil
15 Procedure sections 395(a) and 395.5, as at least some of the acts and omissions complained of
16 herein occurred in the County of Los Angeles. Defendants transact business within the County
17 of Los Angeles and/or otherwise are found within the County of Los Angeles, and Defendants
18 are within the jurisdiction of this Court for purposes of service of process.

19 **PARTIES**

20 3. Plaintiff is an individual over the age of eighteen (18). At all relevant times herein,
21 Plaintiff was and currently is, a California resident. During the four years immediately preceding
22 the filing of this action and within the statute of limitations periods applicable to each cause of
23 action pled herein, Plaintiff was employed by Defendants as a non-exempt employee, and
24 performed work for Defendants within Los Angeles County. Plaintiff was, and is, a victim of
25 Defendants’ policies and/or practices complained of herein, lost money and/or property, and has
26 been deprived of the rights guaranteed by Labor Code sections 201-203, 1182.12, 1194, 1194.2,
27 and 1197, California Business and Professions Code section 17200 *et seq.* (“Unfair Competition
28

1 Law”), and Wage Order 4, which sets employment standards for employees in the professional,
2 technical, clerical, mechanical and similar occupations.

3 4. Plaintiff is informed and believes, and based thereon alleges, that during the four
4 years preceding the filing this action and continuing to the present, Defendants did (and continue
5 to do) business within the County of Los Angeles and the State of California by operating a
6 company specializing in the design, manufacturing, and service of control systems and
7 components for the aerospace and industrial markets, and therefore, were (and are) doing business
8 in the County of Los Angeles and the State of California.

9 5. Plaintiff does not know the true names or capacities, whether individual, partner,
10 or corporate, of the defendants sued herein as DOES 1 to 100, inclusive, and for that reason, said
11 defendants are sued under such fictitious names, and Plaintiff will seek leave from this Court to
12 amend this Complaint when such true names and capacities are discovered. Plaintiff is informed,
13 and believes, and based thereon alleges, that each of said fictitious defendants, whether individual,
14 partners, or corporate, were responsible in some manner for the acts and omissions alleged herein,
15 and proximately caused Plaintiff and the Classes (as defined herein) to be subject to the unlawful
16 employment practices, wrongs, injuries and damages complained of herein.

17 6. Plaintiff is informed and believes, and based thereon alleges, that at all times
18 mentioned herein, Defendants were and are the employers of Plaintiff and all members of the
19 Classes.

20 7. At all times herein mentioned, each of said Defendants participated in the doing
21 of the acts hereinafter alleged to have been done by the named Defendants; and furthermore, the
22 Defendants, and each of them, were the agents, servants, and employees of each and every one of
23 the other Defendants, as well as the agents of all Defendants, and at all times herein mentioned
24 were acting within the course and scope of said agency and employment. Defendants, and each
25 of them, approved of, condoned, and/or otherwise ratified each and every one of the acts or
26 omissions complained of herein.

27 8. At all times mentioned herein, Defendants, and each of them, were members of
28 and engaged in a joint venture, partnership, and common enterprise, and acting within the course

1 and scope of and in pursuance of said joint venture, partnership, and common enterprise. Further,
2 Plaintiff alleges that all Defendants were joint employers for all purposes of Plaintiff and all
3 members of the Classes.

4 **GENERAL FACTUAL ALLEGATIONS**

5 9. Defendants operate a company specializing in the design, manufacturing, and
6 service of control systems and components for the aerospace and industrial markets. Plaintiff was
7 employed by Defendants as a non-exempt employee from approximately July 2011 until
8 approximately August 2018, as a mechanical assembler.

9 10. During Plaintiff's employment with Defendants, Defendants maintained an
10 unlawful timekeeping policy/practice that failed to compensate Plaintiff and other non-exempt
11 employees for all hours actually worked, whether by rounding, time-shaving, or otherwise.
12 Specifically, Defendants regularly, systematically, and impermissibly rounded and/or truncated
13 the hours worked by Plaintiff and non-exempt employees by maintaining a policy/practice that
14 rounded Plaintiff's and other non-exempt employees' timekeeping entries in 15-minute
15 increments, which resulted, over a period of time, in Defendants' failure to properly compensate
16 Plaintiff and other non-exempt employees for all hours worked, and deprived them of all
17 minimum wages earned.

18 11. As a result of Defendants' failure to pay all minimum wages owed, Defendants
19 also failed to pay all final wages owed to Plaintiff and other non-exempt employees upon their
20 respective separations of employment.

21 **CLASS ACTION ALLEGATIONS**

22 12. **Class Definitions:** Plaintiff brings this action on behalf of himself and the
23 following Classes pursuant to section 382 of the Code of Civil Procedure:

- 24 a. The Minimum Wage Class consists of all of Defendants' current and former non-
25 exempt employees in California who were subject to Defendants' timekeeping
26 policies and/or practices for non-exempt employees, during the four years
27 immediately preceding the filing of this action through the present.
28

b. The Waiting Time Class consists of all members of the Minimum Wage Class who separated their employment with Defendants during the three years immediately preceding the filing of this action through the present.

13. **Numerosity/Ascertainability:** The members of the Classes are so numerous that joinder of all members would be unfeasible and not practicable. The membership of the Classes is unknown to Plaintiff at this time; however, it is estimated that the members of the Classes number greater than one hundred (100) individuals. The identity of such membership is readily ascertainable via inspection of Defendants' employment records.

14. **Common Questions of Law and Fact Predominate/Well Defined Community of Interest:** There are common questions of law and fact as to Plaintiff and all other similarly situated non-exempt employees, which predominate over questions affecting only individual members including, without limitation to:

- i. Whether Defendants paid all minimum wages owed to members of the Minimum Wage Class for all hours worked pursuant to Labor Code sections 1182.12, 1194, 1194.2 and 1197;
- ii. Whether Defendants' timekeeping policies/practices resulted in the failure to properly compensate members of the Minimum Wage Class; and
- iii. Whether Defendants paid all wages/compensation due upon separation to members of the Waiting Time Class pursuant to Labor Code sections 201-203.

15. **Predominance of Common Questions:** Common questions of law and fact predominate over questions that affect only individual members of the Classes. The common questions of law set forth above are numerous and substantial and stem from Defendants' policies and/or practices applicable to each individual class member, such as Defendants' uniform timeclock policies/practices, and meal and rest period policies/practices. As such, common questions predominate over individual questions concerning each individual class member's showing as to their eligibility for recovery or as to the amount of their damages.

16. **Typicality:** Plaintiff's claims are typical of the claims of the Classes because Plaintiff was employed by Defendants as a non-exempt employee in California during the

statute(s) of limitations period applicable to each cause of action pled in the action. As alleged herein, Plaintiff, like the members of the Classes, was deprived of all minimum wages owed and did not receive all final wages owed at the time of his separation of employment.

17. **Adequacy of Representation:** Plaintiff is fully prepared to take all necessary steps to represent fairly and adequately the interests of the members of the Classes. Moreover, Plaintiff's attorneys are ready, willing and able to fully and adequately represent the members of the Classes and Plaintiff. Plaintiff's attorneys have prosecuted and defended numerous wage-and-hour class actions in state and federal courts in the past and are committed to vigorously prosecuting this action on behalf of the members of the Classes.

18. **Superiority:** The California Labor Code is broadly remedial in nature and serves an important public interest in establishing minimum working conditions and standards in California. These laws and labor standards protect the average working employee from exploitation by employers who have the responsibility to follow the laws and who may seek to take advantage of superior economic and bargaining power in setting onerous terms and conditions of employment. The nature of this action and the format of laws available to Plaintiff and members of the Classes make the class action format a particularly efficient and appropriate procedure to redress the violations alleged herein. If each employee were required to file an individual lawsuit, Defendants would necessarily gain an unconscionable advantage since they would be able to exploit and overwhelm the limited resources of each individual plaintiff with their vastly superior financial and legal resources. Moreover, requiring each member of the Classes to pursue an individual remedy would also discourage the assertion of lawful claims by employees who would be disinclined to file an action against their former and/or current employer for real and justifiable fear of retaliation and permanent damages to their careers at subsequent employment. Further, the prosecution of separate actions by the individual class members, even if possible, would create a substantial risk of inconsistent or varying verdicts or adjudications with respect to the individual class members against Defendants herein; and which would establish potentially incompatible standards of conduct for Defendants; and/or legal determinations with respect to individual class members which would, as a practical matter, be

dispositive of the interest of the other class members not parties to adjudications or which would substantially impair or impede the ability of the class members to protect their interests. Further, the claims of the individual members of the Classes are not sufficiently large to warrant vigorous individual prosecution considering all of the concomitant costs and expenses attending thereto. As such, the Classes identified herein are maintainable as a Class under section 382 of the Code of Civil Procedure.

FIRST CAUSE OF ACTION
MINIMUM WAGE VIOLATIONS
(AGAINST ALL DEFENDANTS)

19. Plaintiff re-alleges and incorporates by reference all previous paragraphs.

20. Wage Order 4, § 4 and California Labor Code §§ 1197 and 1182.12 establish the right of employees to be paid minimum wages for all hours worked, in amounts set by state law. Labor Code §§ 1194(a) and 1194.2(a) provide that an employee who has not been paid the legal minimum wage as required by Labor Code § 1197 may recover the unpaid balance together with attorneys' fees and costs of suit, as well as liquidated damages in an amount equal to the unpaid wages and interest accrued thereon.

21. At all relevant times herein, Defendants failed to conform their pay practices to the requirements of the law by failing to pay Plaintiff and members of the Minimum Wage Class for all hours worked including, but not limited to, all hours they were subject to the control of Defendants and/or suffered or permitted to work under the California Labor Code and Wage Order 4.

22. California Labor Code § 1198 makes unlawful the employment of an employee under conditions that the IWC prohibits. California Labor Code §§ 1194(a) and 1194.2(a) provide that an employer who has failed to pay its employees the legal minimum wage is liable to pay those employees the unpaid balance of the unpaid wages as well as liquidated damages in an amount equal to the wages due and interest thereon.

23. As a direct and proximate result of Defendants' unlawful conduct as alleged herein, Plaintiff and the Minimum Wage Class have sustained economic damages including, but

1 not limited to, unpaid wages and lost interest, in an amount to be established at trial, and are
2 entitled to recover economic and statutory damages and penalties and other appropriate relief as
3 a result of Defendants' violations of the California Labor Code and Wage Order 4.

4 24. The foregoing practices and policies are unlawful and create an entitlement to
5 recovery by Plaintiff and the members of the Minimum Wage Class in a civil action for the unpaid
6 amount of minimum wages owing, including interest thereon, liquidated damages, statutory and
7 civil penalties, attorney's fees, and costs of suit according to California Labor Code §§ 204, 558,
8 1194, 1197, and 1198, Wage Order 4, and Code of Civil Procedure § 1021.5.

9 **SECOND CAUSE OF ACTION**

10 **WAITING TIME PENALTIES**

11 **(AGAINST ALL DEFENDANTS)**

12 25. Plaintiff re-alleges and incorporates by reference all previous paragraphs.

13 26. This cause of action is brought pursuant to Labor Code §§ 201-203, which require
14 an employer to pay all wages earned immediately at the time of separation of employment in the
15 event the employer discharges the employee, or if the employee provides at least 72 hours of
16 notice of his/her intent to quit. In the event the employee provides less than 72 hours of notice of
17 his/her intent to quit, said employee's wages become due and payable not later than 72 hours upon
18 said employee's last date of employment.

19 27. Plaintiff is informed and believes, and based thereon alleges, that Defendants
20 failed to timely pay Plaintiff and members of the Waiting Time Class all final wages due to them
21 at the time of their separation including, among other things, underpaid minimum wages owed.
22 Further, Plaintiff is informed and believes, and based thereon alleges, that as a matter of uniform
23 policy and practice, Defendants continue to fail to pay members of the Waiting Time Class all
24 earned wages at the end of employment in a timely manner pursuant to the requirements of Labor
25 Code §§ 201-203. Defendants' failure to pay all final wages was willful within the meaning of
26 Labor Code § 203.

27 28. Defendants' willful failure to timely pay Plaintiff and members of the Waiting
28 Time Class all earned wages upon separation from employment results in a continued payment

1 of wages up to thirty (30) days from the time the wages were due. Therefore, Plaintiff and
2 members of the Waiting Time Class are entitled to compensation pursuant to Labor Code § 203,
3 plus reasonable attorneys' fees and costs of suit.

4 **THIRD CAUSE OF ACTION**

5 **UNFAIR COMPETITION**

6 **(AGAINST ALL DEFENDANTS)**

7 29. Plaintiff re-alleges and incorporates by reference all previous paragraphs.

8 30. Defendants have engaged and continue to engage in unfair and/or unlawful
9 business practices in California in violation of California Business and Professions Code § 17200
10 *et seq.* by, amongst other things, failing to pay Plaintiff and the Classes all minimum wages owed,
11 and failing to pay all final wages at the time of separation from employment.

12 31. Defendants' utilization of these unfair and/or unlawful business practices deprived
13 Plaintiff, and continues to deprive members of the Classes, of compensation to which they are
14 legally entitled, constitutes unfair and/or unlawful competition, and provides an unfair advantage
15 over Defendants' competitors who have been and/or are currently employing workers and
16 attempting to do so in honest compliance with applicable wage and hour laws.

17 32. Because Plaintiff is a victim of Defendants' unfair and/or unlawful conduct alleged
18 herein, Plaintiff, for himself and on behalf of the members of the Classes, seeks full restitution of
19 monies as necessary and according to proof to restore any and all monies withheld, acquired
20 and/or converted by Defendants pursuant to Business and Professions Code §§ 17203 and 17208.

21 33. The acts complained of herein occurred within the last four years immediately
22 preceding the filing this action.

23 34. Plaintiff was compelled to retain the services of counsel to file this court action to
24 protect his interests and those of the Classes, to obtain restitution and injunctive relief on behalf
25 of Defendants' current non-exempt employees, and to enforce important rights affecting the
26 public interest. Plaintiff has thereby incurred the financial burden of attorneys' fees and costs,
27 which he is entitled to recover under Code of Civil Procedure § 1021.5.

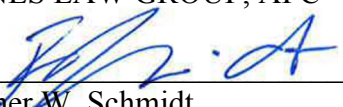
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1 **PRAYER**

2 WHEREFORE, Plaintiff prays for judgment for himself and for all others on whose behalf
3 this suit is brought against Defendants, as follows:

- 4 1. For an order certifying the proposed Classes;
- 5 2. For an order appointing Plaintiff as representative of the Classes;
- 6 3. For an order appointing Counsel for Plaintiff as Counsel for the Classes;
- 7 4. Upon the First Cause of Action, for payment of minimum wages, liquidated
8 damages, and penalties owed according to proof pursuant to Labor Code §§ 1182.12, 1194,
9 1194.2 and 1197;
- 10 5. Upon the Second Cause of Action, for statutory waiting time penalties pursuant to
11 Labor Code §§ 201-203;
- 12 6. Upon the Third Cause of Action, for restitution to Plaintiff and members of the
13 Classes of all money and/or property unlawfully acquired by Defendants by means of any acts or
14 practices declared by this Court to be in violation of California Business and Professions Code §
15 17200 *et seq.*;
- 16 7. Prejudgment interest on all due and unpaid wages pursuant to California Labor
17 Code § 218.6 and Civil Code §§ 3287 and 3289;
- 18 8. On all causes of action, for attorneys' fees and costs as provided by Labor Code
19 §§ 218.5 and 1194 *et seq.*, and Code of Civil Procedure § 1021.5; and
- 20 9. For such other and further relief the Court may deem just and proper.

21
22 Dated: January 6, 2020

23 Respectfully submitted,
24 HAINES LAW GROUP, APC
25 By: 
26 Fletcher W. Schmidt
27 Attorneys for Plaintiff
28

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial with respect to all issues triable by jury.

Dated: January 6, 2020

Respectfully submitted,
HAINES LAW GROUP, APC

By:



Fletcher W. Schmidt
Attorneys for Plaintiff