

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: DAA DRAEXLMAIER AUTOMOTIVE OF (AVISO AL DEMANDADO): AMERICA LLC, a South Carolina limited liability corporation, and DOES 1 through 10, inclusive

YOU ARE BEING SUED BY PLAINTIFF: COREY JONES, on behalf of (LO ESTÁ DEMANDANDO EL DEMANDANTE): himself and all "aggrieved employees" pursuant to Labor Code § 2698 et seq.

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ENDORSED
FILED
ALAMEDA COUNTY

MAY 11 2020

CLERK OF THE SUPERIOR COURT
BY: [Signature] Deputy

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

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

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

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

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

The name and address of the court is:

(El nombre y dirección de la corte es):
Superior Court of California, County of Alameda
1225 Fallon St.
Oakland, California 94612

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: Alex P. Katofsky, Esq. #202754
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Gaines & Gaines, APLC

27200 Agoura Road, Suite 101, Calabasas, CA 91301

DATE:
(Fecha)

MAY 11 2020

Clerk, by
(Secretario)

CHAD FINKE

818-703-8985

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

- ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

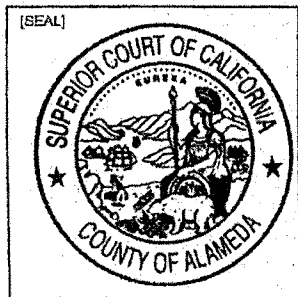
☐ other (specify):

- ☐ by personal delivery on (date):

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (authorized person)



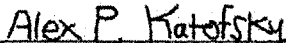
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Alex P. Katofsky, Esq. SBN: #202754 Gaines & Gaines, APLC 27200 Agoura Road, Suite 101, Calabasas, CA 91301 TELEPHONE NO.: 818-703-8985 FAX NO.: 818-703-8984 ATTORNEY FOR (Name): Plaintiff, Corey Jones		FOR COURT USE ONLY ENDORSED FILED ALAMEDA COUNTY MAY 11 2020 CLERK OF THE SUPERIOR COURT BY: <i>[Signature]</i> Deputy HC20062125 JUDGE: DEPT:
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1225 Fallon St. MAILING ADDRESS: 1225 Fallon St. CITY AND ZIP CODE: Oakland, 94612 BRANCH NAME: Rene C. Davidson Alameda County Courthouse		
CASE NAME: Jones v. DAA Draeximaier Automotive of America LLC, et al.		
CIVIL CASE COVER SHEET ☒ Unlimited (Amount demanded exceeds \$25,000) ☐ Limited (Amount demanded is \$25,000 or less) Complex Case Designation ☐ Counter ☐ Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:		
Auto Tort ☐ Auto (22) ☐ Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort ☐ Asbestos (04) ☐ Product liability (24) ☐ Medical malpractice (45) ☐ Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort ☐ Business tort/unfair business practice (07) ☐ Civil rights (08) ☐ Defamation (13) ☐ Fraud (16) ☐ Intellectual property (19) ☐ Professional negligence (25) ☐ Other non-PI/PD/WD tort (35) Employment ☐ Wrongful termination (36) ☒ Other employment (15)	Contract ☐ Breach of contract/warranty (06) ☐ Rule 3.740 collections (09) ☐ Other collections (09) ☐ Insurance coverage (18) ☐ Other contract (37) Real Property ☐ Eminent domain/inverse condemnation (14) ☐ Wrongful eviction (33) ☐ Other real property (26) Unlawful Detainer ☐ Commercial (31) ☐ Residential (32) ☐ Drugs (38) Judicial Review ☐ Asset forfeiture (05) ☐ Petition re: arbitration award (11) ☐ Writ of mandate (02) ☐ Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) ☐ Antitrust/Trade regulation (03) ☐ Construction defect (10) ☐ Mass tort (40) ☐ Securities litigation (28) ☐ Environmental/Toxic tort (30) ☐ Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment ☐ Enforcement of judgment (20) Miscellaneous Civil Complaint ☐ RICO (27) ☐ Other complaint (not specified above) (42) Miscellaneous Civil Petition ☐ Partnership and corporate governance (21) ☐ Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. ☐ Large number of separately represented parties | d. ☐ Large number of witnesses |
| b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. ☐ Substantial amount of documentary evidence | f. ☐ Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): One (1)
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 5/5/2020

Alex P. Katofsky, Esq.
(TYPE OR PRINT NAME)

 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)
NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

Filed By Fax

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

ENDORSED
FILED
ALAMEDA COUNTY

MAY 11 2020

CLERK OF THE SUPERIOR COURT

BY

Deputy

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Attorneys for Plaintiff Corey Jones, on behalf of himself and all "aggrieved employees" pursuant to Labor Code § 2698 *et seq.*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA**

COREY JONES, on behalf of himself and all
"aggrieved employees" pursuant to Labor
Code § 2698 *et seq.*

Plaintiffs,

v.

DAA DRAEXLMAIER AUTOMOTIVE OF
AMERICA LLC, a South Carolina limited
liability corporation, and DOES 1 through 10,
inclusive,

Defendants.

CASE NO: **HG20062125**

**REPRESENTATIVE ACTION
COMPLAINT FOR PENALTIES
PURSUANT TO LABOR CODE § 2699(f)
FOR VIOLATIONS OF LABOR CODE
§§ 201-202, 226(a), 226.7, 246, 510, 512,
AND 1194, AND PURSUANT TO LABOR
CODE § 2699(a) FOR VIOLATIONS OF
LABOR CODE § 226.3**

DEMAND FOR JURY TRIAL

Plaintiff COREY JONES ("Plaintiff"), on behalf of himself and non-exempt California employees who currently work or formerly worked for DAA DRAEXLMAIER AUTOMOTIVE OF AMERICA LLC, a South Carolina limited liability corporation, and/or any subsidiaries or affiliated companies (hereinafter collectively referred to as "Defendants") within the State of California ("Aggrieved Employees") under the Labor Code Private Attorneys General Act of 2004 complains of Defendants as follows:

\\

\\

I.

INTRODUCTION AND FACTUAL BACKGROUND

1. This is a Representative Action, pursuant to Labor Code § 2698 *et seq.*, on behalf of Plaintiff and Aggrieved Employees.

2. For at least one (1) year prior to the filing of this action and at least one (1) year prior to the date Plaintiff began the process of exhausting the administrative requirements, pursuant to Labor Code § 2698 *et seq.*, and continuing to the present (the “liability period”), Defendants have had consistent policies of:

a. Failing to pay premium wages to Plaintiff and Aggrieved Employees who were denied rest periods, in violation of Labor Code § 226.7 and IWC Wage Order No. 1-2001. Plaintiff and Aggrieved Employees were routinely unable to take an off-duty 10-minute rest period for every four (4) hours of work or major fraction thereof, but were not paid premium wages of one hour’s pay for each missed rest period. When they were able to take a rest period, they were not permitted to leave the work premises. This violates Labor Code § 226.7 and IWC Wage Order No. 1-2001.

b. Failing to pay Plaintiff and other Aggrieved Employees premium wages for missed meal periods at the rate of one additional hour of pay at their regular rate of compensation for each workday that a meal period was not provided, in violation of Labor Code § 226.7, 510, 512 and 1194. When Plaintiff and other Aggrieved Employees earned shift differential wages and other forms of non-base hourly wages, the meal period premium rate paid by Defendant for missed meal periods was incorrect as it was only paid at their regular rate, instead of a premium wage that blended these additional rates.

c. Failing to pay Plaintiff and other Aggrieved Employees sick pay at the proper rates of pay. Paid sick time for non-exempt employees shall be calculated by dividing the employee’s total wages, not including overtime premium pay, by the employee’s total hours worked. Defendant failed to do this by not paying Plaintiff and Aggrieved Employees at the regular rate of pay and as a result Plaintiff and Aggrieved Employees were underpaid.

d. Failing to properly compute shift differential wages and other non-base hourly wages earned by Plaintiff and other Aggrieved Employees into their regular rate of pay for purposes of

1 paying them overtime and double time at the correct rates, in violation of Labor Code §§ 510 and
2 1194. Defendant failed to properly blend these non-base wages and instead paid Plaintiff and other
3 Aggrieved Employees overtime and double time based only on the base hourly rate of pay, thus
4 depriving Plaintiff and other Aggrieved Employees of all overtime and double time wages earned.

5 e. Failing to provide Plaintiff and other Aggrieved Employees with wage statements that
6 fully and accurately itemized the requirements set forth in Labor Code § 226(a). Plaintiff and other
7 Aggrieved Employees were not paid all wages due, as stated above. As such, the wage statements
8 provided by Defendant failed to accurately state all gross wages earned, in violation of Labor Code
9 §§ 226(a)(1) and 226.3, net wages earned, in violation of Labor Code §§ 226(a)(5) and 226.3, and all
10 applicable hourly rates in effect during the pay period and the corresponding number of hours worked,
11 in violation of Labor Code §§ 226(a)(9) and 226.3. Separately, Defendant paid Plaintiff and other
12 Aggrieved Employees shift differential wages (“Ca Shift Diff O”) at a rate of \$1.50 and meal period
13 penalty wages (“Camealpenalty”) at a rate of \$1.00. When shift differential wages and meal period
14 penalty wages are paid, among other categories of compensation, additional hours worked are listed
15 on the wage statements that are already encompassed in the listed hours worked at the base rates of
16 pay. Adding up the total hours worked as set forth on the wage statement does not yield the correct
17 number of actual hours worked by the employee. It is impossible to ascertain total hours worked from
18 the wage statements alone because of the multiple conflicting entries. The wage statements also
19 separately violate Labor Code § 226(a)(9) because they list inaccurate rates of pay. For example,
20 Plaintiff’s wage statements include rate entries for “Ca Shift Diff O” at \$1.50 and “Camealpenalty”
21 at \$1.00, both of which are inaccurate.

22 f. Failing to timely pay Plaintiff and certain Aggrieved Employees all wages due at the
23 separation of employment based on the time frames required by Labor Code §§ 201 and 202. As
24 stated above, Plaintiff and Aggrieved Employees were not paid all wages due during the course of
25 their employment and, as a result of this failure, they were not timely paid all wages due at the
26 separation of their employment. This violates Labor Code §§ 201-202.

27 3. Plaintiff, on behalf of himself and all Aggrieved Employees pursuant to Labor Code §
28 2698 *et seq.*, seeks civil penalties for Defendants’ violations of the California Labor Code.

4. Venue is proper in this judicial district, pursuant to Code of Civil Procedure § 395. The Labor Code violations alleged against each Defendant herein arose in Alameda County, California.

II.

PARTIES

A. Plaintiff

5. Plaintiff COREY JONES was employed by Defendants from March 2019 through December 2019 in Alameda County, California.

B. Defendants

6. Defendant DAA Draexlmaier Automotive of America LLC is a South Carolina limited liability company. Defendant employed Plaintiff and Aggrieved Employees throughout the State of California, including Alameda County, California.

7. The true names and capacities, whether individual, corporate, associate, or otherwise, of Defendants sued herein as DOES 1 to 10, inclusive, are currently unknown to Plaintiff, who therefore sues Defendants by such fictitious names under Code of Civil Procedure § 474. Plaintiff is informed and believes, and based thereon alleges, that each of the Defendants designated herein as a DOE is legally responsible in some manner for the unlawful acts referred to herein. Plaintiff will seek leave of court to amend this Complaint to reflect the true names and capacities of the Defendants designated hereinafter as DOES when such identities become known.

8. Plaintiff is informed and believes, and based thereon alleges, that each Defendant acted in all respects pertinent to this action as the agent of the other Defendant, carried out a joint scheme, business plan or policy in all respects pertinent hereto, and the acts of each Defendant is legally attributable to the other Defendants.

9. The Defendants named herein as DOE 1 through DOE 10 are and were persons acting on behalf of, or acting jointly with, Defendants, who violated, or caused to be violated, one or more provisions of the California Labor Code as alleged herein.

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1 III.

2 CAUSES OF ACTION

3 FIRST CAUSE OF ACTION

4 PLAINTIFF AND ALL AGGRIEVED EMPLOYEES AGAINST DEFENDANTS
5 PENALTIES PURSUANT TO LABOR CODE § 2699(f) FOR VIOLATIONS OF LABOR
6 CODE §§ 201-202, 226(a), 226.7, 246, 510, 512, AND 1194, AND PURSUANT TO LABOR
7 CODE § 2699(a) FOR VIOLATIONS OF LABOR CODE § 226.3

8 10. Plaintiff incorporates paragraphs 1 through 9 of this Complaint as though fully set
9 forth herein.

10 11. As a result of the acts alleged above, including the Labor Code violations set forth in
11 paragraph 2 above, Plaintiff seeks civil penalties pursuant to Labor Code §§ 2698 *et seq.*

12 12. For each such violation, Plaintiff and all other Aggrieved Employees are entitled to
13 penalties and other relief in an amount to be shown at the time of trial subject to the following formula:

14 a. Pursuant to Labor Code § 2699(f), \$100 for each initial violation and \$200 for
15 each subsequent violation of Labor Code §§ 201-202, 226(a), 226.7, 246, 510, 512, and 1194.

16 b. Pursuant to Labor Code § 2699(a), the penalties as authorized by Labor Code
17 § 226.3.

18 13. Civil penalties recovered will be allocated 75% to the Labor and Workforce
19 Development Agency, and 25% to the affected employees.

20 14. On February 27, 2020, Plaintiff sent a letter, by online submission to the LWDA and
21 by certified mail, return receipt requested, to Defendants setting forth the facts and theories of the
22 violations alleged against Defendants, as proscribed by Labor Code § 2698 *et seq.* Pursuant to Labor
23 Code § 2699.3(a)(2)(A), no notice was received by Plaintiff from the LWDA within sixty-five (65)
24 calendar days of February 27, 2020. Plaintiff may therefore commence this action to seek civil
25 penalties pursuant to Labor Code § 2698 *et seq.*

26 Wherefore, Plaintiff and the Aggrieved Employees he seeks to represent request relief as
27 described below.
28

1 IV.

2 **RELIEF REQUESTED**

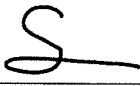
3 WHEREFORE, Plaintiff prays for the following relief:

- 4 1. For civil penalties pursuant to Labor Code § 2698 *et seq.* for Plaintiff and all other
5 Aggrieved Employees;
- 6 2. An award providing for payment of costs of suit pursuant to Labor Code § 2699(g)(1)
7 and other applicable law;
- 8 3. An award of attorneys' fees pursuant to Labor Code § 2699(g)(1) and other applicable
9 law; and
- 10 4. Such other and further relief as this Court may deem just and proper.

11 Dated: May 5, 2020

Respectfully submitted,

12 GAINES & GAINES
13 A Professional Law Corporation

14 By: 
15 DANIEL F. GAINES
16 SEPIDEH ARDESTANI
Attorneys for Plaintiff

17
18 **DEMAND FOR JURY TRIAL**

19 Plaintiff hereby demands a trial of his claims by jury to the extent authorized by law.

20 Dated: May 5, 2020

Respectfully submitted,

21 GAINES & GAINES
22 A Professional Law Corporation

23 By: 
24 DANIEL F. GAINES
25 SEPIDEH ARDESTANI
26 Attorneys for Plaintiff
27
28