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County of Riverside

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Attorneys for Plaintiffs, JUAN ARTEAGA and ELIJAH AGUIRRE, on behalf of themselves and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF RIVERSIDE

JUAN ARTEAGA and ELIJAH AGUIRRE,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

DEMOLITION SPECIALIST, INC., a
California corporation; JEREMY
THUNDERBURK, an individual;
CHRISTINA THUNDERBURK, an
individual; and DOES 1 through 100,
inclusive,

Defendants.

CASE NO.: RIC2001133

**FIRST AMENDED CLASS ACTION
COMPLAINT FOR:**

1. FAILURE TO PAY OVERTIME WAGES;
2. FAILURE TO PAY MINIMUM WAGES;
3. FAILURE TO PROVIDE MEAL PERIODS OR COMPENSATION IN LIEU THEREOF;
4. FAILURE TO PROVIDE REST PERIODS OR COMPENSATION IN LIEU THEREOF;
5. WAITING TIME PENALTIES;
6. WAGE STATEMENT VIOLATIONS;
7. VIOLATION OF LABOR CODE § 2802; and
8. UNFAIR COMPETITION
9. FAILURE TO PAY PREVAILING WAGES
10. CIVIL PENALTIES UNDER LABOR CODE § 210
11. CIVIL PENALTIES UNDER LABOR CODE § 226.3
12. VIOLATION OF LABOR CODE § 558
13. VIOLATION OF LABOR CODE § 1197.1
14. CIVIL PENALTIES UNDER LABOR CODE § 2699

DEMAND FOR JURY TRIAL

[Amount in Controversy Exceeds \$25,000]

1 COME NOW Plaintiffs JUAN ARTEAGA and ELIJAH AGUIRRE ("Plaintiffs"), on
2 behalf of themselves and all others similarly situated and aggrieved, and allege as follows:

3 **GENERAL ALLEGATIONS**

4 **INTRODUCTION**

5 1. This is a Class Action and Representative Action, pursuant to Code of Civil
6 Procedure section 382 and Labor Code section 2698, *et seq.*, on behalf of Plaintiffs and all other
7 current and former similarly situated and aggrieved employees employed by or formerly employed
8 by DEMOLITION SPECIALIST, INC., a California corporation and any of its respective
9 subsidiaries or affiliated companies within the State of California ("DSI"), and their owners
10 JEREMY THUNDERBURK, an individual ("Mr. Thunderburk"), CHRISTINA THUNDERBURK
11 ("Ms. Thunderburk," and collectively with Mr. Thunderburk, the "Thunderburks"; Demolition, the
12 Thunderburks and DOES 1 through 100, inclusive, as further defined below, "Defendants").

13 2. For at least four (4) years prior to the filing of this Action and continuing to the
14 present, Defendants have had a consistent policy of failing to pay wages, including overtime wages,
15 to Plaintiffs and other similarly situated and aggrieved employees in the State of California in
16 violation of California state wage and hour laws as a result of, including but not limited to, failing
17 to accurately track and/or pay for all hours actually worked; engaging, suffering, or permitting
18 employees to work off the clock, including, without limitation, by auto-deducting meal periods not
19 taken, manipulating and/or editing time records to show lesser hours than actually worked during
20 the pay period; by failing to pay overtime hours at the proper overtime rate of pay, including, without
21 limitation, paying straight pay instead of overtime pay; failing to pay prevailing wages; and/or
22 failing to include prevailing wages in the overtime rate of pay of Plaintiffs and other similarly
23 situated employees in the State of California.

24 3. For at least four (4) years prior to the filing of this Action and continuing to the
25 present, Defendants have had a consistent policy of failing to pay wages, including minimum wages,
26 to Plaintiffs and other similarly situated and aggrieved employees in the State of California in
27 violation of California state wage and hour laws as a result of, including but not limited to, failing
28 to accurately track and/or pay for all hours actually worked; engaging, suffering, or permitting