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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF LOS ANGELES**

RICHARD SOUTSOS, as an individual and
 on behalf of all others similarly situated,

Plaintiffs,

vs.

CALIFORNIA RESOURCES
 CORPORATION, a Delaware corporation;
 and DOES 1 through 50, inclusive,

Defendants.

Case No.:

20STCV15170

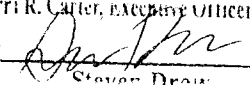
**CLASS ACTION COMPLAINT FOR
 DAMAGES FOR:**

- (1) VIOLATION OF CAL. LABOR CODE
 § 226(a);**
- (2) VIOLATION OF LABOR CODE
 §§ 2698, ET SEQ.**

**CONFORMED COPY
 ORIGINAL FILED**
 Superior Court of California
 County of Los Angeles

APR 20 2020

Sherri K. Carter, Executive Officer/Clerk of Court

By , Deputy
 Steven Drake

1 Plaintiff Richard Soutsos (“Plaintiff”) hereby submits this Class Action Complaint
2 (“Complaint”) against Defendant California Resources Corporation (“Defendant”), and Does 1
3 through 50 (hereinafter collectively referred to as “Defendants”), on behalf of himself and a class
4 of all other similarly situated current and former employees of Defendants for penalties for
5 violations of the California Labor Code, including without limitation, failure to provide
6 employees with accurate itemized wage statements as follows:

7 **INTRODUCTION**

8 1. This class and representative action is within the Court’s jurisdiction under
9 California Labor Code sections 226 and 2698 *et seq.*

10 2. This Complaint challenges systemic illegal employment practices resulting in
11 violations of the California Labor Code against individuals who worked for Defendants.

12 3. Plaintiff is informed and believes, and based thereon alleges, that Defendants,
13 jointly and severally, have acted intentionally and with deliberate indifference and conscious
14 disregard to the rights of all employees in Defendants’ failure to provide accurate payroll
15 records.

16 4. Plaintiff is informed and believes, and based thereon alleges, that Defendants
17 have engaged in, among other things a system of willful violations of the California Labor Code,
18 by creating and maintaining policies, practices and customs that knowingly deny employees the
19 above stated rights and benefits.

20 **JURISDICTION AND VENUE**

21 5. The Court has jurisdiction over the violations of California Labor Code sections
22 226 and 2698 *et seq.*

23 6. Venue is proper in Los Angeles County because Defendants are located in Los
24 Angeles County, and Plaintiff was employed by Defendants in Los Angeles County.

25 **PARTIES**

26 7. Plaintiff began employment with Defendants in or about June 2005 as a non-
27 exempt employee. Plaintiff is employed as a transportation logistics coordinator. Throughout his
28 employment with Defendants, Plaintiff was not provided proper and accurate itemized wage

1 statements. Specifically, the wage statements failed to identify the correct rate of pay for
2 overtime wages, showing 0.5 times the base rate of pay rather than 1.5 times the regular rate of
3 pay, and failed to show the correct total hours worked when overtime and/or shift differential
4 wages were paid.

5 8. Plaintiff is informed and believes, and based thereon alleges, that at all times
6 herein mentioned Defendant California Resources Corporation is and was a Delaware
7 corporation, licensed to do business and actually doing business in the State of California. As
8 such, and based upon all the facts and circumstances incident to Defendant's business, Defendant
9 is subject to California Labor Code sections 226 and 2698 *et seq.*

10 9. Plaintiff does not know the true names or capacities, whether individual, partner
11 or corporate, of the defendants sued herein as Does 1 through 50, inclusive, and for that reason,
12 said defendants are sued under such fictitious names, and Plaintiff prays for leave to amend this
13 complaint when the true names and capacities are known. Plaintiff is informed and believes and
14 based thereon alleges that each of said fictitious defendants was responsible in some way for the
15 matters alleged herein and proximately caused Plaintiff and members of the general public and
16 class to be subject to the illegal employment practices, wrongs and injuries complained of herein.

17 10. At all times herein mentioned, each of said Defendants participated in the doing
18 of the acts hereinafter alleged to have been done by the named Defendants; and furthermore, the
19 Defendants, and each of them, were the agents, servants and employees of each of the other
20 Defendants, as well as the agents of all Defendants, and at all times herein mentioned, were
21 acting within the course and scope of said agency and employment.

22 11. Plaintiff is informed and believes, and based thereon alleges, that at all times
23 material hereto, each of the Defendants named herein was the agent, employee, alter ego and/or
24 joint venturer of, or working in concert with each of the other co-Defendants and was acting
25 within the course and scope of such agency, employment, joint venture, or concerted activity. To
26 the extent said acts, conduct, and omissions were perpetrated by certain Defendants, each of the
27 remaining Defendants confirmed and ratified said acts, conduct, and omissions of the acting
28 Defendants.

1 12. At all times herein mentioned, Defendants, and each of them, were members of,
2 and engaged in, a joint venture, partnership and common enterprise, and acting within the course
3 and scope of, and in pursuance of, said joint venture, partnership and common enterprise.

4 13. At all times herein mentioned, the acts and omissions of various Defendants, and
5 each of them, concurred and contributed to the various acts and omissions of each and all of the
6 other Defendants in proximately causing the injuries and damages as herein alleged. At all times
7 herein mentioned, Defendants, and each of them, ratified each and every act or omission
8 complained of herein. At all times herein mentioned, Defendants, and each of them, aided and
9 abetted the acts and omissions of each and all of the other Defendants in proximately causing the
10 damages as herein alleged.

11 **CLASS ACTION ALLEGATIONS**

12 14. **Definition:** The named individual Plaintiff seeks class certification, pursuant to
13 California Code of Civil Procedure section 382. Plaintiff proposes the following classes:

- 14 a. All current and former California non-exempt employees of Defendants who
15 received overtime wages at any time between April 6, 2019, through the
16 present (the “Overtime Wage Statement Class”); and
17 b. All current and former California non-exempt employees of Defendants who
18 received shift differential wages, including, but not limited to, “Shift Pay,” at
19 any time between April 6, 2019, through the present (the “Shift Pay Wage
20 Statement Class”) (collectively the Overtime Wage Statement Class and the
21 Shift Pay Wage Statement Class are referred to as the “Class” or “Class
22 Members”).

23 15. **Numerosity:** The members of the Class are so numerous that joinder of all
24 members would be impractical, if not impossible. The identity of the members of the Class is
25 readily ascertainable by review of Defendants’ records, including payroll records. Plaintiff is
26 informed and believes, and based thereon alleges, that Defendants failed to provide proper
27 payroll records in violation of Labor Code section 226.

28 16. **Adequacy of Representation:** The named Plaintiff is fully prepared to take all

1 necessary steps to represent fairly and adequately the interests of the class defined above.
2 Plaintiff's attorneys are ready, willing and able to fully and adequately represent the Class and
3 the individual Plaintiff. Plaintiff's attorneys have prosecuted and settled wage-and-hour class
4 actions in the past and currently have a number of wage-and-hour class actions pending in
5 California state and federal courts.

6 17. Defendants uniformly administered a corporate policy, practice of failing to
7 provide proper payroll records in violation of Labor Code section 226. Plaintiff is informed and
8 believes, and based thereon alleges, that this corporate conduct is accomplished with the
9 advanced knowledge, intent and willfulness.

10 18. **Common Question of Law and Fact:** There are predominant common questions
11 of law and fact and a community of interest amongst Plaintiff and the claims of the Class
12 concerning Defendants' policy and practice of failing to provide proper payroll records in
13 violation of Labor Code section 226.

14 19. **Typicality:** The claims of Plaintiff are typical of the claims of all members of the
15 Class in that Plaintiff suffered the harm alleged in this Complaint in a similar and typical manner
16 as the Class members. As with other California employees, Plaintiff was not provided proper and
17 accurate itemized wage statements. Specifically, the wage statements failed to identify the
18 correct rate of pay for overtime wages. The overtime rate of pay was listed as 0.5 times the base
19 rate of pay, rather than 1.5 time the regular rate of pay. In addition, Defendant failed to list the
20 accurate total hours worked for wage statements furnished to Plaintiff and Class Members
21 whenever overtime and/or shift differential wages were paid. In particular, whenever overtime
22 and/or shift differential wages, the wage statements issued by Defendant did not identify the
23 accurate total hours worked. When the hours shown on the wage statements are added up, they
24 do not appear to add up to the actual total hours worked. As just an example, for the pay period
25 of January 20, 2020 to February 2, 2020, Plaintiff's wage statement shows that he worked a total
26 of 268 hours, when he did not work that many hours. Therefore, Defendants violated Labor Code
27 section 226 by not providing the requisite itemized wage statements to Plaintiff. Therefore,
28 Plaintiff is a member of the Class and has suffered the alleged violations of California Labor

1 Code section 226.

2 20. The California Labor Code sections upon which Plaintiff bases these claims are
3 broadly remedial in nature. These laws and labor standards serve an important public interest in
4 establishing minimum working conditions and standards in California. These laws and labor
5 standards protect the average working employee from exploitation by employers who may seek
6 to take advantage of superior economic and bargaining power in setting onerous terms and
7 conditions of employment.

8 21. The nature of this action and the format of laws available to Plaintiff and
9 members of the Class identified herein make the class action format a particularly efficient and
10 appropriate procedure to redress the wrongs alleged herein. If each employee were required to
11 file an individual lawsuit, the corporate Defendants would necessarily gain an unconscionable
12 advantage since it would be able to exploit and overwhelm the limited resources of each
13 individual plaintiff with their vastly superior financial and legal resources. Requiring each Class
14 member to pursue an individual remedy would also discourage the assertion of lawful claims by
15 employees who would be disinclined to file an action against their former and/or current
16 employer for real and justifiable fear of retaliation and permanent damage to their careers at
17 subsequent employment.

18 22. The prosecution of separate actions by the individual Class Members, even if
19 possible, would create a substantial risk of (a) inconsistent or varying adjudications with respect
20 to individual Class Members against the Defendants and which would establish potentially
21 incompatible standards of conduct for the Defendants, and/or (b) adjudications with respect to
22 individual Class Members which would, as a practical matter, be dispositive of the interest of the
23 other Class Members not parties to the adjudications or which would substantially impair or
24 impede the ability of the Class Members to protect their interests. Further, the claims of the
25 individual members of the Class are not sufficiently large to warrant vigorous individual
26 prosecution considering all of the concomitant costs and expenses.

27 23. Such a pattern, practice and uniform administration of corporate policy regarding
28 illegal payroll practices described herein is unlawful and creates an entitlement to recovery by

1 Plaintiff and the Class identified herein, in a civil action, for applicable penalties, reasonable
2 attorneys' fees, and costs of suit according to the mandate of California Labor Code section 226
3 *et seq.*, and Code of Civil Procedure section 1021.5.

4 24. Proof of a common business practice or factual pattern, which the named Plaintiff
5 experienced and is representative of, will establish the right of each of the members of the
6 Plaintiff Class to recovery on the causes of action alleged herein.

7 **FIRST CAUSE OF ACTION**

8 **VIOLATION OF LABOR CODE § 226**

9 **(BY PLAINTIFF AND THE CLASS AGAINST ALL DEFENDANTS)**

10 25. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 24 as
11 though fully set forth herein.

12 26. Defendants failed in their affirmative obligation to provide accurate itemized
13 wage statements. Defendants, as a matter of policy and practice, did not provide accurate records
14 in violation of Labor Code section 226.

15 27. Plaintiff and the Class were employees of Defendants and as such should have
16 received accurate, itemized wage statements, pursuant to Labor Code section 226(a). The wage
17 statements provided to Plaintiff and the Class failed to identify the correct rate of pay for
18 overtime wages and list the correct total hours worked when overtime and/or shift differential
19 wages were paid.

20 28. Such a pattern, practice and uniform administration of corporate policy as
21 described herein is unlawful and creates an entitlement to recovery by the Plaintiff and the Class
22 identified herein, in a civil action, for all penalties pursuant to Labor Code section 226, including
23 interest thereon, attorneys' fees, and costs of suit according to the mandate of California Labor
24 Code section 226.

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1 **SECOND CAUSE OF ACTION**

2 **VIOLATION OF LABOR CODE § 2698, *ET SEQ.***

3 **(BY PLAINTIFF AND AGGRIEVED EMPLOYEES AGAINST ALL DEFENDANTS)**

4 29. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 28 as
5 though fully set forth herein.

6 30. Plaintiff brings this cause of action as a proxy for the State of California and in
7 this capacity, seeks penalties on behalf of all Aggrieved Employees from March 30, 2019
8 through the present, for Defendant's violation of Labor Code section 226(a), arising from
9 Defendant's policy and practice of failing to provide accurate itemized wage statements that
10 identified the accurate overtime rate of pay and total hours worked when overtime and/or shift
11 differential wages were paid, as described in detail above.

12 31. On or about March 30, 2020, Plaintiff sent written notice to the California Labor
13 & Workforce Development Agency ("LWDA") of Defendant's violation of Labor Code section
14 226(a), pursuant to Labor Code section 2698, *et seq.*, the Private Attorney General Act
15 ("PAGA").

16 32. As of the date of the filing of this Complaint, the LWDA has yet to provide notice
17 to Plaintiff as to whether it intends to investigate the Labor Code violations provided for in the
18 written notice.

19 33. As such, pursuant to Labor Code section 2699(a), Plaintiff seeks recovery of any
20 and all applicable civil penalties for Defendant's violation of Labor Code section 226(a), for the
21 time periods described above, as a proxy for the State of California and on behalf of other
22 Aggrieved Employees.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiff prays for judgment for himself and all others on whose behalf
25 this suit is brought against Defendants, jointly and severally, as follows:

- 26 1. For an order certifying the proposed Class;
27 2. For an order appointing Plaintiff as the representative of the Class as described
28 herein;

3. Upon the First Cause of Action, for penalties pursuant to California Labor Code section 226, and for costs and attorneys' fees;
4. Upon the Second Cause of Action, for civil penalties according to proof pursuant to Labor Code section 2698, *et seq.*, 226.3. and for attorneys' fees and costs;
5. On all causes of action for attorneys' fees and costs as provided by California Labor Code sections 226, and 2698 *et seq.* and Code of Civil Procedure section 1021.5; and
6. For such other and further relief the Court may deem just and proper.

DATED: April 20, 2020

DIVERSITY LAW GROUP, P.C.

By: 

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