

ELECTRONICALLY FILED BY
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County of Monterey
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By: Janet Nicholson, Deputy

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

JULIA WHITE-SANCHEZ, as an
individual and on behalf of all others
similarly situated,

Plaintiffs,

vs.

UNITED PARCEL SERVICE, INC., an
Ohio corporation; and DOES 1 through
50, inclusive,

Defendants.

Case No.: 20CV001114

FIRST AMENDED COMPLAINT FOR:

**(1) VIOLATION OF CAL. LABOR CODE §
2698, ET SEQ.**

DEMAND OVER \$25,000.00

1 Dennis S. Hyun (State Bar No. 224240)

2 **HYUN LEGAL, APC**

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1 Plaintiff Julia White-Sanchez (“Plaintiff”) hereby submits this First Amended Complaint
2 (“Complaint”) against Defendants United Parcel Service, Inc. and Does 1 through 50 (hereinafter
3 collectively referred to as “Defendants”) on behalf of the State of California and all other
4 similarly aggrieved current and former employees of Defendants for penalties under the
5 California Labor Code, as follows:

6 **INTRODUCTION**

7 1. This representative action is within the Court’s jurisdiction under the Private
8 Attorneys General Act (the “PAGA”), California Labor Code § 2698, et seq. and the California
9 Industrial Welfare Commission’s (“IWC”) Wage Orders.

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 **JURISDICTION AND VENUE**

13 3. The Court has jurisdiction over the violations of the California Labor Code §§
14 201-203, 226, 510, 558, 1194, 1197, and 1197.1, pursuant to the Private Attorneys General Act
15 (the “PAGA”), Labor Code § 2698, et seq. As alleged herein, Plaintiff has exhausted her
16 administrative remedies to proceed pursuant to the PAGA..

17 4. Venue is proper in Monterey County because Plaintiff is a resident of this County.
18 In addition, Defendants do business in California, including maintaining locations in the County
19 of Monterey.

20 **PARTIES**

21 5. In or around October of 2019, Plaintiff was hired by Defendant to work as a
22 preloader. On or about March 4, 2020, Plaintiff’s employment was terminated. Plaintiff worked
23 for Defendants in Sunnyvale, California.

24 6. Plaintiff was and is the victim of the policies, practices, and customs of
25 Defendants complained of in this action in ways that have deprived her of the rights guaranteed
26 by California Labor Code §§ 201-203, 226, 510, 558, 1194, 1197, 1197.1, and 2698, et seq.

27 7. Plaintiff is informed and believes, and based thereon alleges, that Defendant is an
28 Ohio corporation, which provides shipping services throughout the United States, including

1 numerous locations in the State of California and in the County of Monterey.

2 8. Plaintiff is informed and believes, and based thereon alleges, that at all times
3 herein mentioned Defendant and Does 1 through 50, are and were corporations, business entities,
4 individuals, and partnerships, licensed to do business and actually doing business in the State of
5 California. As such, and based upon all the facts and circumstances incident to Defendants'
6 business, Defendants are subject to California Labor Code §§ 201-203, 226, 510, 558, 1194,
7 1197, 1197.1, and 2698, *et seq.*

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

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

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

28 12. At all times herein mentioned, Defendants, and each of them, were members of,

1 and engaged in, a joint venture, partnership and common enterprise, and acting within the course
2 and scope of, and in pursuance of, said joint venture, partnership and common enterprise.

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

10
11 **FIRST CAUSE OF ACTION**

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

13 **(BY PLAINTIFF AS PROXY FOR STATE OF CALIFORNIA AND ALL SIMILARLY**
14 **AGGRIEVED EMPLOYEES AGAINST ALL DEFENDANTS)**

15 14. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 13 as
16 though fully set for herein.

17 15. Plaintiff brings this cause of action on behalf as a proxy for the State of California
18 and in this capacity, seeks penalties on behalf of all Aggrieved Employees for Defendant's
19 violation of Labor Code §§ 201-203, 226, 510, 558, 1194, 1197, 1197.1 from March 18, 2019,
20 through the present.

21 16. Specifically, Plaintiff alleges that Defendant violated Labor Code § 201-204, 510,
22 558, 1194, 1197, 1197.1 by not paying wages, including minimum and overtime wages, to
23 Plaintiff and other similarly situated aggrieved employees for all time spent undergoing security
24 checks. Defendant violated these provisions by requiring Plaintiff and other non-exempt
25 employees who worked at "shipping hubs" to undergo security checks before being allowed to
26 leave the premises, without the payment of any wages for such time. Plaintiff further alleges that
27 Defendant violated Labor Code § 226(a) by not providing accurate, itemized wage statements to
28 Plaintiff and other employees, including without limitation, by not accurately reflecting the total

1 hours worked and gross/net wages earned based on the allegations set forth above. Finally,
2 Plaintiff alleges that Defendant violated Labor Code §§ 201-203 by failing to pay all wages upon
3 the separation of employment to Plaintiff and other employees, including without limitation,
4 unpaid minimum wages and overtime wages based on the allegations set forth above.

5 17. On or about March 18, 2020, Plaintiff sent written notice to the California Labor
6 & Workforce Development Agency (“LWDA”) and to Defendants regarding Defendant’s
7 violations of Labor Code §§ 201-204, 510, 558, 1194, 1197, 1197.1, pursuant to Labor Code §
8 2698, et seq.

9 18. As of the date of the filing of this Complaint, the LWDA has not provided written
10 notice as to whether it intends to investigate the Labor Code violations set forth in Plaintiff’s
11 written notice and, thus, allowing Plaintiff to proceed under PAGA against Defendants for said
12 violations. Therefore, Plaintiff may seek all applicable penalties under the PAGA.

13 19. As such, pursuant to Labor Code § 2699(a), Plaintiff seeks recovery of any and all
14 applicable remedies under the PAGA for Defendant’s violation of Labor Code §§ 201-204,
15 510, 558, 1194, 1197, 1197.1, for the time periods described above on behalf of all other
16 Aggrieved Employees, including without limitation, civil penalties under Labor Code § 2699,
17 any remedies under Labor Code § 226.3 and for costs and attorneys’ fees.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiff prays for judgment on behalf the State of California and on
20 behalf of all others that this suit is brought against Defendants, jointly and severally, as follows:

21 1. Upon the First Cause of Action, for penalties pursuant to statute as set forth in
22 California Labor Code §§ 226.3 and 2699, and for costs and attorneys’ fees;

23 2. On all causes of action, for attorneys’ fees and costs as provided by California
24 Labor Code § 2699, and Code of Civil Procedure § 1021.5; and

25 3. For such other and further relief as the Court may deem just and proper.

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1 DATED: April 21, 2020

DIVERSITY LAW GROUP, P.C.

2
3 By: 
4 Larry W. Lee
5 Attorneys for Plaintiff and the Aggrieved
6 Employees
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PROOF OF SERVICE

I am employed in the County of Los Angeles; I am over the age of 18 years and not a party to the within action; my business address is 515 S. Figueroa St. Suite 1250, Los Angeles, California 90071.

On April 21, 2020, I served the foregoing document(s) described as: **FIRST AMENDED COMPLAINT** on the interested parties in this action by placing a true copy thereof, in a sealed envelope(s) addressed as follows:

Tritia M. Murata
David Zins
Morrison & Foerster LLP
707 Wilshire Blvd
Los Angeles, CA 90017

 BY MAIL

 As follows: I am “readily familiar” with the practice of Choi & Associates, Attorneys at Law for collection and processing of correspondence for mailing with the United States Postal Service and that correspondence placed in the outgoing mail tray in my office for collection would be deposited in the United States Mail that same day in the ordinary course of business.

 BY PERSONAL SERVICE

I caused such envelope to be delivered by hand to the offices of the addressee.

 X **BY ELECTRONIC SERVICE**

I caused a true and complete copy of the document(s) described above to be uploaded to Odyssey to be served on the offices and person(s) set forth above.

 X **(State)** I declare under penalty of perjury that the foregoing is true and correct.

 (Federal) I declare under penalty of perjury that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on April 21, 2020, at Los Angeles, California.



Michelle Lee