

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: 6450 MOTORS, LLC, a California
(AVISO AL DEMANDADO): limited liability company, and DOES
1 through 10, inclusive.

YOU ARE BEING SUED BY PLAINTIFF: LATOYA INGRAM, on behalf By
(LO ESTÁ DEMANDANDO EL DEMANDANTE): of herself 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
AUG 05 2020

CLERK OF THE SUPERIOR COURT

Roni Gil 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 cumple 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 o 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: AUG 05 2020

(Fecha)

Chad Finke

Clerk, by

(Secretario)

Roni Gil

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)).

CASE NUMBER
(Número del Caso)

HC20069705

(SEAL)

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.

2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ other (specify):

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (authorized person)

4. ☐ by personal delivery on (date):

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		FOR COURT USE ONLY ENDORSED FILED AT ALAMEDA COUNTY AUG 05 2020 CLERK OF THE SUPERIOR COURT By <u>Roni Gill</u> Deputy	
ATTORNEY FOR (Name): Plaintiff, Latoya Ingram			
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: Ingram v. 6450 Motors, 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)	CASE NUMBER: HG 20069705 JUDGE: DEPT:

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)
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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: 8/3/2020

Alex P. Katofsky, Esq.

(TYPE OR PRINT NAME)

Alex P. Katofsky

(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

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

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ENDORSED
 FILED
 AT ALAMEDA COUNTY

AUG 05 2020

CLERK OF THE SUPERIOR COURT
 By Roni Gill
 Deputy

7 Attorneys for Plaintiff Latoya Ingram, on behalf of herself and all "aggrieved employees" pursuant
 to Labor Code § 2698 *et seq.*

8
 9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 10 FOR THE COUNTY OF ALAMEDA

11 LATOYA INGRAM, on behalf of herself and
 12 all "aggrieved employees" pursuant to Labor
 Code § 2698 *et seq.*

13 Plaintiffs,

14 v.

15 6450 MOTORS, LLC, a California limited
 16 liability company, and DOES 1 through 10,
 inclusive,

17 Defendants.

CASE NO:

HG 20069705

18 REPRESENTATIVE ACTION
 19 COMPLAINT FOR PENALTIES
 20 PURSUANT TO LABOR CODE § 2699(f)
 21 FOR VIOLATIONS OF LABOR CODE
 22 §§ 201, 202, 212, 226(a), 226.7, 510, 512,
 23 AND 1194 AND PURSUANT TO LABOR
 24 CODE § 2699(a) FOR VIOLATIONS OF
 25 LABOR CODE §§ 225.5, 226.3, 246, AND
 26 558

27 DEMAND FOR JURY TRIAL
 28

1 Plaintiff LATOYA INGRAM (“Plaintiff”), on behalf of herself and others as an “aggrieved
2 employee” under the Labor Code Private Attorneys General Act of 2004, complains of 6450
3 MOTORS, LLC, a California limited liability company, and/or any subsidiaries or affiliated
4 companies (hereinafter referred to as “Defendants”), as follows:

5 **I.**

6 **INTRODUCTION AND FACTUAL BACKGROUND**

7 1. This is a Representative Action, pursuant to Labor Code § 2698 *et seq.*, on behalf of
8 Plaintiff and other California employees who currently work or formerly worked for Defendants
9 (“Aggrieved Employees”).

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

14 a. Failing to properly compute Spiff wages and other non-base hourly wages
15 earned by Plaintiff and other non-exempt Aggrieved Employees into their regular rate of pay for
16 purposes of paying them overtime at the correct rates, in violation of Labor Code §§ 510, 558 and
17 1194. Defendants failed to properly blend these non-base wages and instead paid Plaintiff and other
18 non-exempt Aggrieved Employees overtime based *only* on the base hourly rate of pay, thus depriving
19 Plaintiff and other non-exempt Aggrieved Employees of all overtime wages earned. Defendants also
20 failed to blend different forms of non-base hourly wages, including, but not limited to Spiff wages,
21 earned by Plaintiff and other non-exempt Aggrieved Employees into their sick pay rate yielding an
22 underpayment, in violation of Labor Code §§ 246, 510, 558 and 1194;

23 b. Failing to pay premium wages to Plaintiff and non-exempt Aggrieved
24 Employees who were denied rest periods, in violation of Labor Code §§ 226.7 and 558 and IWC
25 Wage Order 7-2001. Plaintiff and all other non-exempt Aggrieved Employees were routinely not
26 authorized and unable to take a 10-minute rest period for every four (4) hours of work or major
27 fraction thereof, but were not paid premium wages of one hour’s pay for each missed rest period. Due
28 to the busy nature of their jobs, Plaintiff and other non-exempt Aggrieved Employees were simply

1 unable to take rest periods nor were they ever even authorized to take them, in violation Labor Code
2 §§ 226.7 and 558 and IWC Wage Order No. 7-2001;

3 c. Failing to pay Plaintiff and all other non-exempt Aggrieved Employees
4 premium wages for missed meal periods, in violation of Labor Code §§ 226.7, 512 and 558 and IWC
5 Wage Order 7-2001. Plaintiff and other non-exempt Aggrieved Employees were routinely denied,
6 and not authorized to take, an uninterrupted, 30-minute meal period for every shift worked over five
7 hours in duration, and a second 30-minute meal period for every shift worked over ten hours in
8 duration, but were not paid premium wages of one hour's pay for each missed meal period. When
9 they did receive a meal period, it was routinely provided after the fifth hour of work. Defendant
10 simply did not maintain enough staff to allow for Plaintiff and non-exempt Aggrieved Employees to
11 take a legally compliant meal period. This violates Labor Code §§ 226.7, 512, and 558, and IWC
12 Wage Order 7-2001;

13 d. Failing to provide Plaintiff and non-exempt Aggrieved Employees with wage
14 statements that fully and accurately itemized the requirements set forth in Labor Code §§ 226(a) and
15 226.3. Plaintiff and other non-exempt Aggrieved Employees were not paid all minimum and overtime
16 wages due and meal and rest period premium wages due. As such, the wage statements provided by
17 Defendants failed to accurately state all gross wages earned, in violation of Labor Code §§ 226(a)(1)
18 and 226.3, total hours worked, in violation of Labor Code §§ 226(a)(2) and 226.3, net wages earned,
19 in violation of Labor Code §§ 226(a)(5) and 226.3, and all applicable hourly rates in effect during the
20 pay period and the corresponding number of hours worked, in violation of Labor Code §§ 226(a)(9)
21 and 226.3;

22 e. Failing to issue wages to Plaintiff and all other Aggrieved Employees by an
23 instrument negotiable and payable in cash, on demand, without discount, at some established place
24 of business in the state, the name and address of which must appear on the instrument. Defendants
25 issues their California employees' wages by paychecks drawn on an account at Bank of the West.
26 Bank of the West charges all non-account holders check cashing fees. Plaintiff and other California
27 employees do not have a bank account with Bank of the West, such that they were forced to incur
28 check cashing fees at Bank of the West to obtain their wages. Further, there was no California business

1 address listed on their paychecks where they could be cashed without any fees, violating the express
2 requirements of Labor Code section 212. By not making arrangements with Bank of the West to allow
3 employees to cash their paychecks without paying a fee, Defendant has violated Labor Code §§ 212
4 and 225.5; and

5 f. Failing to timely pay Plaintiff and non-exempt Aggrieved Employees all wages
6 due at the separation of their employment based on the time frames required by Labor Code §§ 201
7 and 202. As stated above, Plaintiff and non-exempt Aggrieved Employees were not paid all wages
8 due and, as a result of this failure, they were not timely paid all wages due at the separation of their
9 employment. This violates Labor Code §§ 201-202 and is alleged on behalf of Plaintiff and other non-
10 exempt Aggrieved Employees who have ended their employment with Defendant.

11 3. Plaintiff, on behalf of herself and all Aggrieved Employees pursuant to Labor Code §
12 2698 *et seq.*, seeks civil penalties for Defendants' violations of the California Labor Code.

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

15 II.

16 PARTIES

17 A. Plaintiff

18 5. Plaintiff LATOYA INGRAM was employed by Defendants from August 2016
19 through March 2020 as a non-exempt employee in Alameda County, California.

20 B. Defendant

21 6. Defendant 6450 MOTORS, LLC is a California limited liability company. Defendant
22 6450 MOTORS, LLC employed Plaintiff and Aggrieved Employees throughout the State of
23 California, including Alameda County, California.

24 7. The true names and capacities, whether individual, corporate, associate, or otherwise,
25 of Defendants sued herein as DOES 1 to 10, inclusive, are currently unknown to Plaintiff, who
26 therefore sues Defendants by such fictitious names under Code of Civil Procedure § 474. Plaintiff is
27 informed and believes, and based thereon alleges, that each of the Defendants designated herein as a
28 DOE is legally responsible in some manner for the unlawful acts referred to herein. Plaintiff will

1 seek leave of court to amend this Complaint to reflect the true names and capacities of the Defendants
2 designated hereinafter as DOES when such identities become known.

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

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

10 III.

11 CAUSES OF ACTION

12 FIRST CAUSE OF ACTION

13 PLAINTIFF AND ALL AGGRIEVED EMPLOYEES AGAINST ALL DEFENDANTS 14 PENALTIES PURSUANT TO LABOR CODE § 2699(f) FOR VIOLATIONS OF LABOR 15 CODE §§ 201, 202, 212, 226(a), 226.7, 510, 512, AND 1194 AND PURSUANT TO LABOR 16 CODE § 2699(a) FOR VIOLATIONS OF LABOR CODE §§ 225.5, 226.3, 246, AND 558

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

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

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

- 23 a. Pursuant to Labor Code § 2699(f), \$100 for each initial violation and \$200 for
24 each subsequent violation of Labor Code §§ 201, 202, 212, 226(a), 226.7, 510,
25 512, and 1194; and
26 b. Pursuant to Labor Code § 2699(f), the penalties as authorized by Labor Code
27 §§ 225.5, 226.3, 246 and 558.
28

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

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

Wherefore, Plaintiff and the Aggrieved Employees she seeks to represent request relief as described below.

IV.

RELIEF REQUESTED

WHEREFORE, Plaintiff prays for the following relief:

1. For civil penalties pursuant to Labor Code § 2698 *et seq.* for Plaintiff and all other Aggrieved Employees;

2. An award providing for payment of costs of suit pursuant to Labor Code § 2699(g)(1) and other applicable law;

3. An award of attorneys' fees pursuant to Labor Code § 2699(g)(1) and other applicable law; and

4. Such other and further relief as this Court may deem just and proper.

Dated: August 3, 2020

Respectfully submitted,

GAINES & GAINES
A Professional Law Corporation

By:

DANIEL F. GAINES

EVAN S. GAINES

Attorneys for Plaintiff

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Dated: August 3, 2020

Respectfully submitted,

GAINES & GAINES
A Professional Law Corporation

By:

DANIEL F. GAINES
EVAN S. GAINES
Attorneys for Plaintiff

Gaines & Gaines, APLC Attn: Katofsky, Alex P. 27200 Agoura Road Suite 101 Calabasas, CA 91301	1	1
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Superior Court of California, County of Alameda

ingram Plaintiff/Petitioner(s) VS. 6450 Motors, LLC Defendant/Respondent(s) (Abbreviated Title)	No. <u>HG20069705</u> NOTICE OF CASE MANAGEMENT CONFERENCE AND ORDER Unlimited Jurisdiction
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TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:
 Notice is given that a Case Management Conference has been scheduled as follows:

Date: 12/21/2020 Time: 03:00 PM	Department: 517 Location: Hayward Hall of Justice 3rd Floor 24405 Amador Street, Hayward CA 94544 Internet: www.alameda.courts.ca.gov	Judge: Stephen Pulido Clerk: Kasha Clarke Clerk telephone: (510) 690-2726 E-mail: Dept517@alameda.courts.ca.gov Fax:
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ORDERS

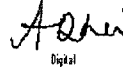
1. **Plaintiff must:**
 - a. **Serve** all named defendants and file proofs of service on those defendants with the court within 60 days of the filing of the complaint (Cal. Rules of Court, 3.110(b)); and
 - b. **Give notice** of this conference to all other parties and file proof of service.
2. **Defendant must** respond as stated on the summons.
3. **All parties who have appeared before the date of the conference must:**
 - a. **Meet and confer**, in person or by telephone as required by Cal. Rules of Court, rule 3.724;
 - b. **File and serve** a completed *Case Management Statement* on Form CM-110 at least 15 days before the Case Management Conference (Cal. Rules of Court, rule 3.725); and
 - c. **Post jury fees** as required by Code of Civil Procedure section 631.
4. If you do not follow the orders above, the court may issue an order to show cause why you should not be sanctioned under Cal. Rules of Court, rule 2.30. Sanctions may include monetary sanctions, striking pleadings or dismissal of the action.
5. You are further ordered to appear in person or through your attorney of record at the Case Management Conference noticed above. You must be thoroughly familiar with the case and fully authorized to proceed. You may be able to appear at Case Management Conferences by telephone. Contact CourtCall, an independent vendor, at least three business days before the scheduled conference. Call 1-888-882-6878, or fax a service request to (888) 882-2946. The vendor charges for this service.
6. You may file *Case Management Conference Statements* by E-Delivery. Submit them directly to the E-Delivery Fax Number (510) 267-5732. No fee is charged for this service. For further information, go to www.alameda.courts.ca.gov/ff.
7. The judge may place a *Tentative Case Management Order* in your case's on-line register of actions before the conference. This order may establish a discovery schedule, set a trial date or refer the case to Alternate Dispute Resolution, such as mediation or arbitration. Check the website of each assigned department for procedures regarding tentative case management orders at www.alameda.courts.ca.gov/dc.

CLERK'S CERTIFICATE OF MAILING

I certify that the following is true and correct: I am the clerk of the above-named court and not a party to this cause. I served this Notice of Hearing by placing copies in envelopes addressed as shown hereon and then by sealing and placing them for collection, stamping or metering with prepaid postage, and mailing on the date stated below, in the United States mail at Alameda County, California, following standard court practices.

Executed on 08/10/2020.

By


Digital

Deputy Clerk

Superior Court of California, County of Alameda



Notice of Assignment of Judge for All Purposes

Case Number: HG20069705
Case Title: Ingram VS 6450 Motors, LLC
Date of Filing: 08/05/2020

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Pursuant to Rule 3.734 of the California Rules of Court and Title 3 Chapter 2 of the Local Rules of the Superior Court of California, County of Alameda, this action is hereby assigned by the Presiding Judge for all purposes to:

Judge:	Stephen Pulido
Department:	517
Address:	Hayward Hall of Justice 24405 Amador Street Hayward CA 94544
Phone Number:	(510) 690-2726
Fax Number:	
Email Address:	Dept517@alameda.courts.ca.gov

Under direct calendaring, this case is assigned to a single judge for all purposes including trial.

Please note: In this case, any challenge pursuant to Code of Civil Procedure section 170.6 must be exercised within the time period provided by law. (See Code Civ. Proc. §§ 170.6, subd. (a)(2) and 1013.)

NOTICE OF NONAVAILABILITY OF COURT REPORTERS: Effective June 4, 2012, the court will not provide a court reporter for civil law and motion hearings, any other hearing or trial in civil departments, or any afternoon hearing in Department 201 (probate). Parties may arrange and pay for the attendance of a certified shorthand reporter. In limited jurisdiction cases, parties may request electronic recording.

Amended Local Rule 3.95 states: "Except as otherwise required by law, in general civil case and probate departments, the services of an official court reporter are not normally available. For civil trials, each party must serve and file a statement before the trial date indicating whether the party requests the presence of an official court reporter."

IT IS THE DUTY OF EACH PLAINTIFF AND CROSS COMPLAINANT TO SERVE A COPY OF THIS NOTICE IN ACCORDANCE WITH LOCAL RULES.

General Procedures

Following assignment of a civil case to a specific department, all pleadings, papers, forms, documents and writings can be submitted for filing at either Civil Clerk's Office, located at the René C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California, 94612, and the Hayward Hall of Justice, 24405 Amador Street, Hayward, California, 94544. All documents, with the exception of the original summons and the original civil complaint, shall have clearly typed on the face page of each document, under the case number, the following:

ASSIGNED FOR ALL PURPOSES TO
JUDGE Stephen Pulido
DEPARTMENT 517

All parties are expected to know and comply with the Local Rules of this Court, which are available on the court's website at: [http://www.alameda.courts.ca.gov/Pages.aspx/Local-Rules\(1\)](http://www.alameda.courts.ca.gov/Pages.aspx/Local-Rules(1)) and with the California Rules of Court, which are available at www.courtinfo.ca.gov.

Parties must meet and confer to discuss the effective use of mediation or other alternative dispute processes (ADR) prior to the Initial Case Management Conference. The court encourages parties to file a "Stipulation to Attend ADR and Delay Initial Case Management Conference for 90 Days". Plaintiff received that form in the ADR information package at the time the complaint was filed. The court's website also contains this form and other ADR information. If the parties do not stipulate to attend ADR, the parties must be prepared to discuss referral to ADR at the Initial Case Management Conference.

Counsel are expected to be familiar and comply with the Statement of Professionalism and Civility, Alameda County Bar Association at www.acbanet.org.

All references to "counsel" in this Order apply equally to self-represented litigants. The Court maintains Self-Help Services at 24405 Amador Street, Dept. 501, Hayward, CA, (510) 272-1393.

Parties and counsel must submit identical courtesy copies of all law and motion papers directly to Dept. 517 no later than 12:00 p.m. the day after they are filed and served. If the courtroom is closed when the delivery is made, counsel may leave the papers in the box placed outside of Dept. 517. This requirement is set forth in Local Rule 3.30(c). If a party files a motion that requires the Court to review the pleadings, courtesy copies of the relevant Complaints, Cross-Complaints, or Answers must also be delivered to Dept. 517.

Schedule for Department 517

The following scheduling information is subject to change at any time, without notice. Please contact the department at the phone number or email address noted above if you have questions.

- Trials generally are held: Mondays through Thursdays, beginning at 8:30 a.m. and concluding at 1:30 p.m.
- Case Management Conferences are held: Mondays, Tuesdays and Thursdays at 3:00 p.m. Timely filed and complete case management conference statements are mandatory in all cases.
- Law and Motion matters are heard: Tuesdays and Thursdays at 3:00 p.m.

- Settlement Conferences are heard: Friday mornings. The time will be determined by the Court in coordination with the parties.
- Pre-Trial Readiness conferences take place at 1:30 p.m. on Fridays.
- Ex Parte matters are heard: Mondays and Thursdays at 2:30 p.m., as space is available.
- Orders of Examination are heard: Fridays at 9:00 a.m.
- (1) Counsel should consider and recommend creative, efficient approaches to valuing and resolving their case (CRC 3.724). (2) Potential discovery and other problems should be anticipated and discussed.
- If possible, parties should deliver courtesy copies of papers filed in support and in opposition to ex parte applications no later than 4:00 p.m. on the court date before the hearing on the application. If the parties cannot meet that deadline, they should attempt to deliver the papers to Dept. 517 at least two hours prior to the hearing on the application. the court notes that parties opposing an ex parte application are not required to submit written oppositions prior to the hearing.

Law and Motion Procedures

To obtain a hearing date for a Law and Motion or ex parte matter, parties must contact the department as follows:

- Motion Reservations
Email: Dept517@alameda.courts.ca.gov

No Discovery Motion may be filed until an Informal Discovery Conference has been held or denied by the Court as set forth in Local Rule 3.31.

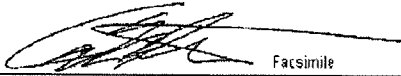
- Ex Parte Matters
Email: Dept517@alameda.courts.ca.gov

Tentative Rulings

The court may issue tentative rulings in accordance with the Local Rules. Tentative rulings will become the Court's order unless contested in accordance with the Local Rules. Tentative rulings will be available at:

- Website: www.alameda.courts.ca.gov/domainweb, Calendar Information for Dept. 517
- Phone: 1-866-223-2244

Dated: 08/07/2020



Facsimile

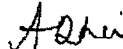
Presiding Judge,
Superior Court of California, County of Alameda

CLERK'S CERTIFICATE OF MAILING

I certify that the following is true and correct: I am the clerk of the above-named court and not a party to this cause. I served this Notice by placing copies in envelopes addressed as shown on the attached Notice of Initial Case Management Conference and then by sealing and placing them for collection, stamping or metering with prepaid postage, and mailing on the date stated below, in the United States mail at Alameda County, California, following standard court practices.

Executed on 08/10/2020

By


Digital

Deputy Clerk