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Attorney for Plaintiffs individually and on behalf of all other similarly situated

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

ALBERTO GOMEZ, an individual; JOSE
GUADALUPE CRUZ, an individual; VICTOR
DOMINGUEZ, an individual; ALFREDO
SANDOVAL, an individual; FRANCISCO
DUARTE, an individual; JULIO
MALDONADO OLVERA, an individual;

Plaintiffs,

vs.

TRANSPORTATION BROKERAGE
SPECIALIST, INC., a California Corporation;
DOES 1 THROUGH 20, inclusive;

Defendants.

Case No. 30-2020-01165608-CU-OE-CXC

**PLAINTIFFS' COMPLAINT FOR PRIVATE
ATTORNEYS GENERAL ACT CLAIM**

Assigned for all purposes to: Judge Randall J. Sherman

Dept: CX105

1 Plaintiffs (“Plaintiffs”), individually and on behalf of other similarly situated individuals, brings this
2 civil action against Defendants Transportation Brokerage Specialists, Inc., and Defendants DOES 1 through
3 20 inclusive (collectively “Defendants”) and alleges as follows:

4 **GENERAL ALLEGATIONS**

5 1. This civil action is brought by Plaintiffs, individually and on behalf of other similarly situated
6 individuals, to seek compensation for harm caused by Defendants through their illegal employment practices
7 in violation of various Labor Code sections and Wage Orders, and to recover civil penalties against
8 Defendants under the Private Attorneys General Act of 2004.

9 **PARTIES**

10 2. Plaintiff Alberton Gomez is an individual who resided in the State of California, County of Orange at
11 all times relevant to this action.

12 3. Plaintiff Jose Guadalupe Cruz is an individual who resided in the State of California, County of Orange
13 at all times relevant to this action.

14 4. Plaintiff Victor Dominguez is an individual who resided in the State of California, County of Orange at
15 all times relevant to this action.

16 5. Plaintiff Alfredo Sandoval is an individual who resided in the State of California, County of Orange at
17 all times relevant to this action.

18 6. Plaintiff Francisco Duarte is an individual who resided in the State of California, County of Orange at
19 all times relevant to this action.

20 7. Plaintiff Julio Maldonado Olvera is an individual who resided in the State of California, County of
21 Orange at all times relevant to this action.

22 8. Defendant Transportation Brokerage Specialists, Inc. is a corporation organized under and formed in
23 the State of California. Upon information and belief, Transportation Brokerage Specialists, Inc.’s principal
24 place of business was in the State of California, County of Orange at all times relevant to this action

25 9. Plaintiffs are unaware of the true names and capacities of the Defendant parties sued as DOES 1
26 through 20, and therefore sues these Defendants DOES 1 through 20 by fictitious names. Upon information
27 and belief, Defendants DOES 1 through 20 are each responsible in some way for the acts alleged in the
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1 Complaint. Plaintiffs are informed and believes that at all material times herein, each of the Defendants
2 was the agent, employee, and/or working in concert with the co-defendants and was acting within the
3 course and scope of such agency, employment and/or concerted activity. All actions of each Defendants
4 herein alleged were ratified and approved by the other individual Defendants and by the officers and
5 managing agents of each other corporate Defendants. To the extent that certain acts and omissions were
6 perpetrated by certain Defendants, the remaining Defendants confirmed and ratified said acts and omission.
7 Plaintiffs are informed and believes and on that basis alleges that at all material times herein each of the
8 Defendants was completely dominated and controlled by its co-defendant and each was the alter-ego of the
9 other.

10 10. Plaintiffs will seek leave to amend the Complaint to add such names and capacities when they have
11 been ascertained. Plaintiff is informed and believe, and on that basis alleges, that Defendants DOES 1
12 through 20 have knowledge or notice of the conduct, transactions or occurrences that form the basis of
13 Plaintiff's allegations herein.

14 11. By this Complaint, Plaintiffs bring this case as a representative action seeking civil penalties for the
15 State of California in a representative capacity, as provided by the Private Attorneys General Act of 2004
16 to the extent permitted by law, as an aggrieved employee.

17 **JURISDICTION AND VENUE**

18 12. Jurisdiction is conferred on this Court over Defendants named in this Complaint given that said
19 Defendants are residents of the State of California or conduct business in the State of California.

20 Jurisdiction is conferred on this Court as to all causes of action as they arise under state statutory law.

21 13. This Court is the proper venue for this action for the following reasons:

- 22 a. Plaintiffs reside in the County of Orange;
- 23 b. Defendants reside in the County of Orange or conduct business in the County of Los
24 Angeles;
- 25 c. A substantial part, if not all, of the events or omissions giving rise to Plaintiff's causes of action
26 alleged in this Complaint occurred in the County of Los Angeles.

1 14. Plaintiffs have fully comply with all prerequisites to jurisdiction in this Court, including exhaustion of
2 administrative remedies.

3 **FIRST CAUSE OF ACTION**

4 (Private Attorney General Act Claim Against Defendants)

5 15. Plaintiffs re-alleges and hereby incorporates the above paragraphs as though fully set forth herein.

6 16. Plaintiffs and the other employees of Defendants are “aggrieved employees” under the Private
7 Attorney General Act (“PAGA”), as they have been employed by Defendants during the applicable
8 statutory period and suffered one or more of the Labor Code violations herein. As such, Plaintiffs seek to
9 recover the civil penalties against Defendants in this case as provided by PAGA, plus reasonable attorney's
10 fees and costs on behalf of themselves and all other current and former aggrieved employees of
11 Defendants.

12 17. Plaintiffs seek to recover the civil penalties through a representative action permitted by PAGA and
13 California case law, e.g., in *Arias v. Superior Court* (2009) 46 Cal.4th 969. Defendants have violated
14 Labor Code sections 201, 202, 203, 204, 226(a), 226.7, 510, 512, 1194, 1197, 1198, and 2802.

15 18. Under Labor Code sections 201, 202, and 203, Defendants are liable to Plaintiffs and all other
16 aggrieved employees for failing to timely provide all wages owed to them upon discharged or quitting
17 employment with Defendants.

18 19. Under Labor Code section 204, Defendants are liable to Plaintiffs and all other aggrieved
19 employees for failing to timely provide all wages owed to them at least twice during each calendar month.

20 20. Under Labor Code section 226(a), Defendants are liable to Plaintiffs and all other aggrieved
21 employees for knowingly and intentionally failing to provide complete and accurate wage statements to
22 them.

23 21. Under Labor Code sections 226.7 and 512, Defendants are liable for failing to provide Plaintiffs
24 and the other aggrieved employees all of their meal periods and rest periods as required by law and failing
25 to pay premium wages owed to them.

26 22. Under Labor Code sections 510 and 1194, Defendants are liable for failing to pay Plaintiffs and the
27 other aggrieved employees all overtime wages required by law.
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1 23. Under Labor Code section 1197, Defendants are liable for failing to pay Plaintiffs and the other
2 aggrieved employees the minimum wage required by law.

3 24. Under Labor Code section 1198, Defendants are liable for employing Plaintiffs and the other
4 aggrieved employees for longer hours than those fixed by the applicable Wage Order and under conditions
5 of labor prohibited by the applicable Wage Order.

6 25. Under Labor Code section 2802, Defendants are liable to Plaintiffs and all other aggrieved
7 employees for failing to reimburse them for all necessary expenditures or losses incurred by them in direct
8 consequence of the discharge of their duties, or of their obedience to the directions of Defendants.

9 26. Labor Code section 226 imposes a civil penalty of \$50 for the first violation per aggrieved
10 employee and \$100 for each subsequent violation, up to the maximum aggregate amount of \$4,000.

11 27. Labor Code section 2699(f)(2) imposes a civil penalty of \$100 per pay period, per aggrieved
12 employee for the initial violation of Labor Code sections 201, 202, 203, 204, 226.7, 510, 512, 1174, 1194,
13 1197, 1198, and 2802, and \$200 for each aggrieved employee per pay period for each subsequent violation.

14 28. Plaintiffs have fully complied with the procedural requirements specified in Labor Code section
15 2699.3 as to each of the alleged violations. Accordingly, Plaintiffs may commence this action pursuant to
16 Labor Code section 2699.

17 29. Due to the violations described above, Defendants are liable for civil penalties, as well as Plaintiffs'
18 attorney's fees and costs of suit pursuant to Labor Code sections 2698, *et seq.*

19 **PRAYER**

20 WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:

- 21 A. For civil penalties in a an amount of at least \$500,000, in a total amount according to proof;
22 B. For statutory attorneys' fees and costs;
23 C. For prejudgment and post-judgment interest according to any applicable provision of law,
24 according to proof;
25 D. For costs of suit;
26 E. For equitable relief;
27 G. For such other and further relief as the court deems proper.
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1 DATED: October 16, 2020

Respectfully submitted,

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3 By: 

4 Maximilian Lee, Esq.

5 Attorneys for Plaintiffs, individually and on behalf of
6 all other similarly situated
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