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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE

LARRY HILL, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

ROSS DRESS FOR LESS, INC., a
Virginia corporation; and DOES 1 through
50, inclusive,

Defendants.

Case No.: RIC2001821

(Assigned to the Honorable David Chapman, Dept.
PS2)

FIRST AMENDED COMPLAINT FOR:

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

DEMAND OVER \$25,000.00

Complaint Filed: June 17, 2020

1 Plaintiff Larry Hill ("Plaintiff") hereby submits this First Amended Representative
2 Action Complaint ("Complaint") against Defendant Ross Dress for Less, Inc. ("Defendant") and
3 Does 1 through 50 (hereinafter collectively referred to as "Defendants"), on behalf of himself
4 and all other similarly situated current and former employees of Defendants for civil and
5 statutory penalties under the California Labor Code as follows:

6 **INTRODUCTION**

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

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

11 3. Plaintiff is informed and believes, and based thereon alleges, that Defendants,
12 jointly and severally, have acted intentionally and with deliberate indifference and conscious
13 disregard to the rights of all employees in Defendants' failure to provide accurate itemized wage
14 statements to Plaintiff and Aggrieved Employees.

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

19 **JURISDICTION AND VENUE**

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

22 6. Venue is proper in Riverside County because Defendants maintains business
23 locations in Riverside County, and Plaintiff performs work for Defendants in Riverside County.

24 **PARTIES**

25 7. Plaintiff began working for Defendants in or about 2016. Plaintiff works as a
26 releaser in Defendants' warehouse facility, and is a non-exempt, hourly employee.

27 8. Plaintiff was and is the victim of the policies, practices, and customs of
28 Defendants complained of in this action in ways that have deprived him of the rights guaranteed

1 by California Labor Code sections 226 and 2698 *et seq.*

2 9. Plaintiff is informed and believes, and based thereon alleges, that Ross Dress for
3 Less, Inc. was and is a Virginia corporation that operates retail stores and warehouses throughout
4 the State of California, including locations in Riverside County.

5 10. Plaintiff is informed and believes, and based thereon alleges, that at all times
6 herein mentioned Defendants are and were business entities, individuals, and partnerships,
7 licensed to do business and actually doing business in the State of California. As such, and based
8 upon all the facts and circumstances incident to Defendants' business, Defendants are subject to
9 the California Labor Code.

10 11. 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 to be
16 subject to the illegal employment practices, wrongs and injuries complained of herein.

17 12. 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 13. 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 14. 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 15. 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 **FIRST CAUSE OF ACTION**

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

13 **(BY PLAINTIFF, ON BEHALF OF THE STATE AND AGGRIEVED EMPLOYEES,**
14 **AGAINST ALL DEFENDANTS)**

15 16. Plaintiff re-alleges and incorporates by reference the preceding paragraphs as
16 though fully set forth herein.

17 17. Plaintiff brings this cause of action as a proxy for the State of California and in
18 this capacity, seeks penalties on behalf of all Aggrieved Employees from June 9, 2019, through
19 the present, for Defendants' policy and practice of failing to provide proper wage statements in
20 violation of Labor Code section 226(a).

21 18. Plaintiff and the Aggrieved Employees were paid on an hourly basis. As such, the
22 wage statements provided to them should have reflected all applicable hourly rates in effect
23 during the pay period and the corresponding number of hours worked at each hourly rate. The
24 wage statements provided to Plaintiff and the Aggrieved Employees failed to accurately identify
25 such information. More specifically, whenever overtime wages such as "BC OT" wages were
26 paid to Plaintiff and the Aggrieved Employees, the corresponding wage statement did not
27 identify the applicable rate of pay or number of hours worked for those wages.

28 19. On or about June 9, 2020, Plaintiff sent written notice to the California Labor &

1 Workforce Development Agency ("LWDA") of Defendants' violations of Labor Code section
2 226(a), pursuant to Labor Code section 2698, *et seq.*, the Private Attorneys General Act
3 ("PAGA"). To date, the LWDA has not responded to Plaintiff's written notice.

4 20. As such, pursuant to Labor Code section 2699(a), Plaintiff seeks recovery of any
5 and all applicable civil penalties for Defendants' violation of Labor Code section 226(a) for the
6 time period described above, on behalf of himself and other Aggrieved Employees.

7 **PRAYER FOR RELIEF**

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

10 1. Upon the First Cause of Action, for civil penalties according to proof pursuant to
11 Labor Code sections 226.3 and 2698, *et seq.*, and for costs and attorneys' fees;

12 2. On all causes of action for attorneys' fees and costs as provided by California
13 Labor Code sections 226 and 2699, and Code of Civil Procedure section 1021.5; and

14 3. For such other and further relief the Court may deem just and proper.
15

16 DATED: August 28, 2020

DIVERSITY LAW GROUP, P.C.

17
18 By: 

Larry W. Lee

Kristen M. Agnew

Nicholas Rosenthal

Attorneys for Plaintiff and Aggrieved Employees
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1 **PROOF OF SERVICE**

2 **(Code of Civil Procedure Sections 1013a, 2015.5)**

3
4 STATE OF CALIFORNIA]
5 COUNTY OF LOS ANGELES]ss.
6]

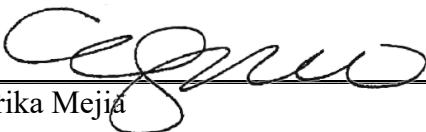
7 I am employed in the County of Los Angeles, State of California. I am over the age of
8 18 and not a party to the within action; my business address is 515 S. Figueroa Street, Suite
9 1250, Los Angeles, California 90071.

10 On August 28, 2020, I served the following document(s) described as: **FIRST
11 AMENDED COMPLAINT** on the interested parties in this action as follows:

12 Gregory D. Wolflick
13 greg@wolfsim.com
14 Theodore S. Khachaturian
15 theo@wolfsim.com
16 Wolflick, Khachaturian & Bouayad
17 130 North Brand Boulevard, Suite 410
18 Glendale, California 91203
19 *Attorneys for Defendant Ross Dress for Less, Inc.*

20 X BY MAIL: by placing _____ the original or X a true and correct
21 copy thereof enclosed, in (a) sealed envelope(s) addressed to the party(ies) listed above or on the
22 attached mailing list. I am readily familiar with the firm's practice for collection and processing
23 of correspondence and other materials for mailing with the United States Postal Service. On this
24 date, I sealed the envelope(s) containing the above materials and placed the envelope(s) for
25 collection and mailing on this date at the address above following our office's ordinary business
26 practices. The envelope(s) will be deposited with the United States Postal Service on this date,
27 in the ordinary course of business.

28 I declare under penalty of perjury under the laws of the State of California that the
above is true and correct. Executed on August 28, 2020, at Los Angeles, California.

24 
25 Erika Mejia