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FILED
Superior Court of California
County of Riverside
6/10/2021
J. Bishop
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Attorneys for Plaintiff and the Aggrieved Employees

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

GARY MEHTERIAN, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

STONELEDGE FURNITURE, LLC, a
Wisconsin limited liability company; and
DOES 1 through 50, inclusive,

Defendants.

Case No.: RIC2001744

**SECOND AMENDED REPRESENTATIVE
ACTION COMPLAINT FOR DAMAGES FOR:**

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

DEMAND OVER \$25,000.00

1 Plaintiff Gary Mehterian ("Plaintiff") hereby submits this Second Amended
2 Representative Action Complaint ("Complaint") against Defendant Stoneledge Furniture, LLC
3 ("Defendant") and Does 1 through 50 (collectively, "Defendants") on behalf of himself and all
4 other aggrieved employees of Defendants for penalties under California Labor Code section
5 2698, *et seq.*:

6 **INTRODUCTION**

7 1. This representative action is within the Court's jurisdiction under California
8 Labor Code section 2698 *et. seq.* and Wage Order No. 7-2001.

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

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 by failing to provide suitable seating to employees.

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

18 **JURISDICTION AND VENUE**

19 5. The Court has jurisdiction over the violations of California Labor Code section
20 2698 *et. seq.* and Wage Order No. 7-2001.

21 6. Venue is proper in Riverside County because Plaintiff worked at Defendant's
22 location in Murietta, California.

23 **PARTIES**

24 7. Plaintiff Gary Mehterian worked for Defendant as an hourly, non-exempt
25 employee from in or around April 2018 to on or about January 18, 2020.

26 8. Plaintiff was and is the victim of the policies, practices, and customs of Defendant
27 complained of in this action in ways that have deprived him of the rights guaranteed by
28 California Labor Code section 2698 *et. seq.* and Wage Order No. 7-2001.

1 9. Plaintiff is informed and believes, and based thereon alleges, that Stoneledge
2 Furniture, LLC is a Wisconsin limited liability company, with operations throughout the United
3 States, including the State of California.

4 10. Plaintiff is informed and believes, and based thereon alleges, that at all times
5 herein mentioned Does 1 through 50, are and were corporations, business entities, individuals,
6 and partnerships, licensed to do business and actually doing business in the State of California.
7 As such, and based upon all the facts and circumstances incident to Defendants' business,
8 Defendants are subject to the California Labor Code and Wage Order No. 7-2001.

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

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

21 13. 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. To
25 the extent said acts, conduct, and omissions were perpetrated by certain Defendants, each of the
26 remaining Defendants confirmed and ratified said acts, conduct, and omissions of the acting
27 Defendants.

28 14. 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 15. 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 injuries and damages as herein alleged. At all times
6 herein mentioned, Defendants, and each of them, ratified each and every act or omission
7 complained of herein. At all times herein mentioned, Defendants, and each of them, aided and
8 abetted the acts and omissions of each and all of the other Defendants in proximately causing the
9 damages as herein alleged.

10 **FIRST CAUSE OF ACTION**

11 **VIOLATIONS OF LABOR CODE § 2698 *ET SEQ.***

12 **(BY PLAINTIFF AND THE AGGRIEVED EMPLOYEES AGAINST DEFENDANTS)**

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

15 17. Plaintiff brings this cause of action as a proxy for the State of California and in
16 this capacity, seek penalties on behalf of all Aggrieved Employees from April 6, 2019, through
17 the present, for Defendant's corporate policy and practice of failing to provide suitable seating to
18 employees, in violation of Wage Order No. 7-2001(14).

19 18. Wage Order No. 7-2001(14) provides that "[a]ll working employees shall be
20 provided with suitable seats when the nature of the work reasonably permits the use of seats."
21 Defendant failed to provide suitable seats even though the nature of the work performed by
22 Aggrieved Employees reasonably permitted the use of seats.

23 19. Further, Wage Order No. 7-2001(14)(B) states that "[w]hen employees are not
24 engaged in the active duties of their employment and the nature of the work requires standing, an
25 adequate number of suitable seats shall be placed in reasonable proximity to the work area and
26 employees shall be permitted to use such seats when it does not interfere with the performance of
27 their duties." Defendant failed to provide suitable seats in reasonable proximity in the work area
28

1 to Aggrieved Employees when they were not engaged in the active duties of their employment.
2 Nor were Aggrieved Employees permitted to use any such seats.

3 20. On or about June 1, 2020, Plaintiff sent written notice to the California Labor &
4 Workforce Development Agency ("LWDA") of Defendant's violations of Wage Order No. 7-
5 2001, pursuant to Labor Code section 2698, *et seq.*, the Private Attorney General Act ("PAGA").
6 As of the date of this filing, the LWDA has not provided written notice regarding whether it
7 intends to investigate the Labor Code violation set forth in Plaintiff's written notice.

8 21. As such, pursuant to Labor Code section 2699(a), Plaintiff seeks recovery of any
9 and all applicable civil penalties for Defendant's violation of Wage Order No. 7-2001(14), for
10 the time periods described above, on behalf of himself and other Aggrieved Employees.

11 **PRAYER FOR RELIEF**

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

- 14 1. Upon the First Cause of Action, for civil penalties according to proof pursuant to
15 Labor Code section 2698, *et. seq.*;
16 2. For costs and attorneys' fees; and
17 3. For such other and further relief the Court may deem just and proper.

18
19 DATED: June 10, 2021

DIVERSITY LAW GROUP, P.C.

20
21 By: _____

Larry W. Lee
Kristen M. Agnew
Nicholas Rosenthal

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23 Attorneys for Plaintiff and the Aggrieved Employees
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PROOF OF SERVICE

(Code of Civil Procedure Sections 1013a, 2015.5)

STATE OF CALIFORNIA]
]ss.
COUNTY OF LOS ANGELES]

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

On June 10, 2021, I served the following document(s) described as: **SECOND AMENDED REPRESENTATIVE ACTION COMPLAINT FOR DAMAGES** on the interested parties in this action as follows:

Barbara J. Miller
Barbara.miller@morganlewis.com
John D. Hayashi
John.hayashi@morganlewis.com
David J. Rashe
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Attorneys for Defendant Stoneledge Furniture, LLC

 X BY ELECTRONIC MAIL: by personally sending a true and correct copy of the above-described document(s) to the party(ies) listed above or on the attached mailing list from the e-mail server diversitylaw.com, to the electronic transmission address of the recipient(s) indicated above or on the attached mailing list. I certify that said electronic transmission was completed and that all pages were received by the party(ies) identified herein or on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on June 10, 2021, at Los Angeles, California.



Erika Mejia