

Larry W. Lee (State Bar No. 228175)
Mai Tulyathan (State Bar No. 316704)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa Street, Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile

Attorneys for Plaintiffs and Aggrieved Employees

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
03/25/2021 at 04:13:00 PM
Clerk of the Superior Court
By Melinda McClure, Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

ROBERT JORDAN and CHANRAKSMEY
KAM, as individuals and on behalf of all
others similarly situated,

Plaintiffs,

vs.

THE JUNE GROUP, LLC, a California
limited liability company; and DOES 1
through 50, inclusive,

Defendants.

Case No.: 37-2020-00030141-CU-OE-CTL

**FIRST AMENDED REPRESENTATIVE
ACTION COMPLAINT FOR:**

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

DEMAND OVER \$25,000.00

1 Plaintiffs Robert Jordan and Chanraksmeey Kam (collectively, “Plaintiffs”) hereby submit
2 this First Amended Representative Action Complaint (“Complaint”) against Defendant The June
3 Group, LLC (“Defendant”) and Does 1 through 50 (collectively, “Defendants”), as individuals
4 and on behalf of all aggrieved current and former employees of Defendants, for penalties under
5 the California Labor Code, for failure to pay wages and failure to provide accurate itemized
6 wage statements, as follows:

7 **INTRODUCTION**

8 1. This Complaint is within the Court’s jurisdiction under California Labor Code
9 §§ 201-204, 226(a), 510, 1194, 1198, 1199, and 2698, *et seq.*, the applicable Wage Orders of the
10 California Industrial Welfare Commission (“IWC”), and the California Minimum Wage Order.

11 2. This Complaint challenges systemic illegal employment practices resulting in
12 violations of the California Labor Code against Plaintiff and other individuals who worked for
13 Defendants.

14 3. Plaintiffs are informed and believe, and based thereon allege, that Defendants,
15 jointly and severally, have acted intentionally and with deliberate indifference and conscious
16 disregard to the rights of all employees by failing to pay all wages owed and failing to provide
17 accurate itemized wage statements.

18 4. Plaintiffs are informed and believe, and based thereon allege, that Defendants
19 have engaged in, among other things a system of willful violations of the California Labor Code
20 and the applicable IWC Wage Orders by creating and maintaining policies, practices and
21 customs that knowingly deny employees the above stated rights and benefits.

22 **JURISDICTION AND VENUE**

23 5. The Court has jurisdiction over the violations of the California Labor Code §§
24 201-204, 226(a), 510, 1194, 1198, 1199, and 2698, *et seq.*, the IWC Wage Orders, and the
25 California Minimum Wage Order.

26 6. Venue is proper in San Diego County, because Defendant does business in this
27 County and Plaintiffs worked for Defendant in this County.

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PARTIES

7. Plaintiffs Robert Jordan and Chanraksmeey Kam are former employees of Defendant. Plaintiff Robert Jordan was employed by Defendant until on or about April 9, 2020.

8. Plaintiff Chanraksmeey Kam was employed by Defendant until on or about April 9, 2020.

9. Throughout their employment, Plaintiffs were classified as non-exempt employees and were paid hourly. Plaintiffs and other employees of Defendant were employed as temporary services employees and assigned to work for various clients of Defendants.

10. During their employment with Defendant, Plaintiffs were routinely required to undergo post-employment drug testing. In addition, Plaintiffs were also required to attend mandatory orientations during their employment with Defendant. However, Plaintiffs were not paid wages for any time spent undergoing the post-employment drug testing and attending the orientation sessions.

11. Plaintiffs were and are the victim of the policies, practices, and customs of Defendants complained of in this action in ways that have deprived them of the rights guaranteed by California Labor Code §§ 201-204, 226(a), 510, 1194, 1198, 1199, 2698, *et seq.*, the IWC Wage Orders, and the California Minimum Wage Order.

12. Plaintiffs are informed and believe, and based thereon allege, that Defendant is a California limited liability company, doing business in the State of California and in the County of San Diego. Defendant provides recruitment, staffing, and employment services to clients in the County of San Diego.

13. Plaintiffs are informed and believe, and based thereon allege, that at all times herein mentioned Defendant and Does 1 through 50, are and were corporations, business entities, individuals, and partnerships, licensed to do business and actually doing business in the State of California.

14. As such, and based upon all the facts and circumstances incident to Defendants' business, Defendants are subject to California Labor Code §§ 201-204, 226(a), 510, 1194, 1198, 1199, and 2698, *et seq.*, the IWC Wage Orders, and the California Minimum Wage Order.

1 15. Plaintiffs do not know the true names or capacities, whether individual, partner or
2 corporate, of the Defendant sued herein as Does 1 through 50, inclusive, and for that reason, said
3 Defendants are sued under such fictitious names, and Plaintiffs pray for leave to amend this
4 Complaint when the true names and capacities are known. Plaintiffs are informed and believe,
5 and based thereon allege, that each of said fictitious Defendants was responsible in some way for
6 the matters alleged herein and proximately caused Plaintiffs and members of the general public
7 and class to be subject to the illegal employment practices, wrongs and injuries complained of
8 herein.

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

14 17. Plaintiffs are informed and believe, and based thereon allege, that at all times
15 material hereto, each of the Defendants named herein was the agent, employee, alter ego and/or
16 joint venturer of, or working in concert with each of the other co-defendants and was acting
17 within the course and scope of such agency, employment, joint venture, or concerted activity.
18 To the extent said acts, conduct, and omissions were perpetrated by certain Defendants, each of
19 the remaining Defendants confirmed and ratified said acts, conduct, and omissions of the acting
20 Defendants.

21 18. At all times herein mentioned, Defendants, and each of them, were members of,
22 and engaged in, a joint venture, partnership and common enterprise, and acting within the course
23 and scope of, and in pursuance of, said joint venture, partnership and common enterprise.

24 19. At all times herein mentioned, the acts and omissions of various Defendants, and
25 each of them, concurred and contributed to the various acts and omissions of each and all of the
26 other Defendants in proximately causing the injuries and damages as herein alleged. At all times
27 herein mentioned, Defendants, and each of them, ratified each and every act or omission
28 complained of herein. At all times herein mentioned, Defendants, and each of them, aided and

1 abetted the acts and omissions of each and all of the other Defendants in proximately causing the
2 damages as herein alleged.

3 **FIRST CAUSE OF ACTION**

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

5 **(PRIVATE ATTORNEYS GENERAL ACT)**

6 **(BY PLAINTIFFS AND AGGRIEVED EMPLOYEES AGAINST ALL DEFENDANTS)**

7 20. Plaintiffs re-allege and incorporate by reference the preceding paragraphs as
8 though fully set forth herein.

9 21. Plaintiffs bring this cause of action as proxies for the State of California and in
10 this capacity, seek penalties on behalf of all Aggrieved Employees from April 6, 2019, through
11 the present, for Defendants' violations of Labor Code §§ 201-204, 226(a), 510, 1194, 1198, and
12 1199, the California Minimum Wage Order, and the IWC Wage Orders, arising from
13 Defendants' following misconduct: (a) failure to pay all wages owed in violation of Labor Code
14 §§ 201-204, 510, 1194, 1198, and 1199, the California Minimum Wage Order, and the applicable
15 IWC Wage Orders; and (b) failure to provide accurate itemized wage statements, in violation of
16 Labor Code § 226(a).

17 22. Specifically, Defendants failed to pay all earned regular, minimum, overtime, and
18 reporting time wages to Plaintiffs and Aggrieved Employees in violation of Labor Code §§ 201-
19 204, 226(a), 510, 1194, 1198, 1199, the California Minimum Wage Order, and the IWC Wage
20 Orders. In this regard, Defendants routinely required Plaintiffs and Aggrieved Employees to
21 undergo post-employment drug testing while at work. However, Defendants failed to pay
22 Plaintiffs and Aggrieved Employees any wages for time spent undergoing and taking the post-
23 employment drug tests. In addition, Plaintiffs and Aggrieved Employees were also required to
24 attend mandatory orientation sessions. Defendants failed to compensate Plaintiffs and Aggrieved
25 Employees for any time spent attending the mandatory orientation sessions required by
26 Defendants.

27 23. Additionally, Defendants have also violated Labor Code § 226(a). As a result of
28 Defendants' afore-referenced failure to pay wages, the wage statements issued to Plaintiffs and

Aggrieved Employees failed to identify the accurate hours worked at each hourly rate, total hours worked, gross wages earned, and net wages earned.

24. Based on the above-stated Labor Code violations, Plaintiffs are “aggrieved employees” as defined in Labor Code § 2699(a). As such, Plaintiffs bring this cause of action on behalf of the State of California for violations committed against all similarly situated Aggrieved Employees of Defendants.

25. On or about June 26, 2020, Plaintiffs sent written notices to the California Labor & Workforce Development Agency (“LWDA”) of Defendants’ violations of Labor Code §§ 201-204, 226(a), 510, 1194, 1198, and 1199, pursuant to Labor Code § 2698, *et seq.* As of the date of the filing of this Complaint, the LWDA has yet to provide notice to Plaintiffs as to whether it intends to investigate the Labor Code violations provided for in Plaintiffs’ written notices. In addition to the LWDA, Plaintiffs also sent their written notices to Defendants via certified mail according to Labor Code § 2699.3.

26. As such, pursuant to Labor Code § 2699(a), Plaintiffs seek recovery of any and all applicable civil penalties for Defendants’ violations of Labor Code §§ 201-204, 226(a), 510, 1194, 1198, and 1199, for the time period described above, on behalf of themselves and other Aggrieved Employees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment individually and all aggrieved current and former employees against Defendants, jointly and severally, as follows:

1. Upon the First Cause of Action, for the full amount of penalties pursuant to the PAGA, California Labor Code §§ 201-204, 226(a), 226.3, 510, 1194, 1198, 1199, and 2698, *et seq.*, and for costs and attorneys’ fees; and

2. For such other and further relief the Court may deem just and proper.

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DATED: March 25, 2021

DIVERSITY LAW GROUP, P.C.

By: 
Larry W. Lee
Mai Tulyathan
Attorneys for Plaintiffs and Aggrieved Employees

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

On March 25, 2021, I served the following document(s) described as: **FIRST AMENDED REPRESENTATIVE ACTION COMPLAINT** on the interested parties in this action as follows:

 X BY ELECTRONIC SERVICE: Based on a court order I caused the above-entitled document(s) to be served through the One Legal E-Filing System at the website www.onelegal.com, addressed to all parties appearing on the electronic service list for the above-entitled case. The service transmission was reported as complete and a copy of the filing receipt/confirmation will be filed, deposited, or maintained with the original document(s) in this office.


Erika Mejia