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

KATHERYN ENRIQUEZ, as individuals and
on behalf of other similarly situated
employees,

Plaintiff,

vs.

VINTAGE REAL ESTATE GROUP, INC., a
California corporation, and DOES 1-50,
inclusive,

Case No.: 30-2020-01157744-CU-OE-CXC

Assigned for all purposes to:

CLASS ACTION CLAIMS

COMPLAINT FOR:

- 1. CLAIM FOR FAILURE TO PAY
FOR NECESSARY EXPENSES
(CAL. LAB. CODE § 2802)**
- 2. UNLAWFUL BUSINESS
PRACTICES UNDER (BUS. AND
PROF. CODE, § 17200, ET SEQ.)**

[JURY DEMAND]

Assigned for all purposes to: Judge Peter Wilson

Dept : CX102

1 Plaintiff Katheryn Enriquez (“Plaintiff” or “Ms. Enriquez”) makes the following
2 allegations against Defendant Vintage Real Estate Group, Inc., (hereinafter referred to herein
3 as “VREG” “Defendant” or “Defendants”).

4 **INTRODUCTION**

5 1. Plaintiff brings this class action on behalf of all non-exempt employees (collectively
6 referred to herein as “Class Members” or “Subclass Members”) employed by Defendants that
7 worked at Defendants, and, DOES 1-50 in California from four years from the date of filing
8 this complaint through the date of signed order certifying the class in this action.

9 2. Defendants violated California law by preventing Class Members and Subclass
10 Members from providing reimbursement of necessary business expenses.

11 3. In this action, Plaintiffs, on behalf of themselves and all Class Members and Subclass
12 Members seek reimbursement for necessary business expenses. Statutory penalties, restitution,
13 declaratory and injunctive relief, attorneys’ fees and costs, prejudgment interest and other relief
14 under California Industrial Welfare Commission Wage Order 4-2001, 8 Cal. Code of Reg.
15 section 11050 (“Wage Order 4-2001”), California Labor Code section 2802, California
16 Business and Professions Code sections 17200 et seq. (“UCL”), and California common law.

17 4. The “Class Period” is designated as the time from four years from the date of filing tis
18 Complaint through the date of signed order certifying the class in this action through the trial
19 of this action based upon the allegation that the violations of the Labor Code and UCL, as
20 described more fully below, have been ongoing since at least four years prior to the date of the
21 instant Complaint in this action and are continuing.

22 5. During the Class Period, Defendants had a consistent policy and/or practice of failing to
23 reimburse its employees for necessary business expenses.

24 6. During the Class Period, Defendants have failed to reimburse Class Members and
25 Subclass Members with necessary business related expenses as required by Labor Code section
26 2802.

27 7. Accordingly, Defendants violated UCL, with the violations of the California wage and
28 hour laws described above.

1 employee that performed general job duties in order to deliver services to Defendants customers
2 and assigned by Defendants.

3 **Defendants Did Not Reimburse Plaintiff and Employees for Necessary Business Expenses**

4 14. Defendants required Plaintiff and similarly situated employees to work from home
5 requiring such employees to use their personal cell phones, home landlines, personal computers
6 or tablets, teleconferencing software or hardware and home internet for work purposes and not
7 reimbursed for this expense incurred in order to perform their job duties.

8 **CLASS ACTION ALLEGATIONS**

9 15. This action is maintainable as a representative action pursuant to California Code of Civil
10 Procedure section 382 as to violations of Wage Order 4-2001 and UCL meal break violations,
11 failure to reimburse employees for necessary business expenses. and attorneys' fees and costs.
12 Plaintiff is a representative of other Class Members and Subclass Members and is acting on
13 behalf of their interests. The similarly situated employees are known to Defendants and are
14 readily identifiable and locatable through Defendants own employment records. The Class that
15 Plaintiff seeks to represent is defined as follows:

16
17 All individuals in California who worked for Defendants as nonexempt
18 employees at any time from four years of the date of the filing of this Complaint
through the date of signed order certifying the class.

19 The Subclass 1 that Plaintiff seeks to represent is defined as follows:

20
21 All individuals in California who worked for Defendants as exempt employees at
22 any time from four years of the date of the filing of this Complaint through the
date of signed order certifying the class.

23 The Subclass 2 that Plaintiff seeks to represent is defined as follows:

24
25 All individuals in California who worked for Defendants as nonexempt
26 employees at any time from three years of the date of the filing of this Complaint
through the date of signed order certifying the class.

1 The Subclass 3 that Plaintiff seeks to represent is defined as follows:

2 All individuals in California who worked for Defendants as exempt employees at
3 any time from three years of the date of the filing of this Complaint through the
4 date of signed order certifying the class.

5 The Subclass 4 that Plaintiff seeks to represent is defined as follows:

6 All individuals in California who worked for Defendants as nonexempt
7 employees at any time from one year of the date of the filing of this Complaint
8 through the date of signed order certifying the class.

9 The Subclass 5 that Plaintiff seeks to represent is defined as follows:

10 All individuals in California who worked for Defendants as exempt employees at
11 any time from one year of the date of the filing of this Complaint through the date
12 of signed order certifying the class.

13
14 16. The individuals included within the alleged Class and Subclass are over one hundred
15 (100) and is so numerous that joinder of each of them would be impracticable, and the
16 disposition of their claims in a class action, rather than in numerous individual actions, will
17 benefit the parties, the Court, and the interests of justice. The Subclasses 1 through Subclass 3
18 shall be collectively referred to herein as “Subclass”.

19 17. Among the proposed Class and Subclass there is a well-defined community of interest in
20 the questions of law and/or fact involved, affecting the Class Members and Subclass Members,
21 These common questions include, but are not limited to:

- 22 a. Whether Defendants’ failure to provide Class Members and Subclass Members with
23 reimbursement of necessary business expenses violates Labor Code section 2802;
24 b. Whether Defendants various violations of the Labor Code serve as predicate
25 violations of the UCL.

26 18. Common questions of law and/or fact predominate over questions that affect only
27 individual Class Members and Subclass Members.

1 19. Plaintiff claims are typical of those belonging to the members of the Class and Subclass
2 they seek to represent, and Plaintiff can adequately represent the Class and Subclass they seek to
3 represent.

4 **FIRST CAUSE OF ACTION**

5 **(Claim For Failure to Reimburse Plaintiff for All Necessary Expenses Per Lab. Code §§
2802, 2804 Plaintiff, Class and Subclass Against All)**

6 20. Plaintiff hereby incorporates all of the allegations set for in each of the paragraphs above
7 and below by reference as though set forth in full in this cause of action.

8 21. Plaintiff brings this claim on behalf of himself, the Class Members and Subclass
9 Members.

10 22. Plaintiff, Class Members and Subclass Members were non-exempt employees of RHC. In
11 the course of their employment, Plaintiff, Class Members and Subclass Members were not
12 reimbursed for expenses arising in the course and scope of their services. These expenses
13 included, but not limited to, the purchase of safety boots, tools, construction tape, safety
14 equipment, maintaining a cell phone for work and other necessary work equipment and tools.

15 23. Plaintiff, Class Members and Subclass Members were not exempt employees and entitled
16 to the protections of IWC Order 16-2001 (Title 8 of the California Code of Regulations §
17 11090), and California Labor Code § 200, 500, 1194, 1197, and 1198).

18 24. At all relevant times, Plaintiff, Class and Subclass were subject to the Labor Code of the
19 State of California, and to the existing and applicable IWC order 16-2001 (Title 8, California
20 Code of Regulations §§ 11000, 11090).

21 25. At all times herein mentioned Plaintiff, Class and Subclass were subject to Labor Code §
22 2802 which states that “an employer shall indemnify his or her employees for all necessary
23 expenditures or losses incurred by the employee indirect consequence of the discharge of his
24 duties, or of his obedience to the directions of the employer.”

25 26. At all times herein mentioned Plaintiff, Class and Subclass were subject to Labor Code §
26 2804 which states that “any contract or agreement, express or implied, made by any employee to
27 waive the benefits of this article or any part thereof, is null and void, and this article shall not
28

1 deprive any employee or his personal representative of any right or remedy to which he is
2 entitled under the laws of this State.”

3 27. As a proximate result of Defendant’s policies in violation of Labor Code §§ 2802 and
4 2804, Plaintiff, Class Members and Subclass Members suffered damages in sums, which will be
5 shown according to proof to be in excess of the jurisdictional minimum of this Court.

6 28. Plaintiff is entitled to expenses, attorney’s fees. Interest, and costs of suit pursuant to
7 Labor Code § 2802(c) for bringing this action.

8 29. Pursuant to Labor Code § 2802(b), in any action brought for the reimbursement of
9 necessary expenditures under this section shall carry interest at the same rate as judgment in civil
10 actions. Interest shall accrue from the date on which the employee incurred the necessary
11 expenditure. Plaintiff, Class Members and Subclass Members are entitled to said interest.

12 30. Plaintiff, Class Members and Subclass Members are entitled to reimbursement for
13 expenses including, but not limited to, reimbursement for expenses in connection to being
14 required to purchase safety boots, tools, construction tape, safety equipment, cell phone expenses
15 and other necessary work equipment and tools, attorney’s fees, interest, and costs of suit
16 pursuant to Labor code § 2802 for bringing this action.

17 **SECOND CAUSE OF ACTION**

18 **(For Unlawful Business Practices-Bus. & Prof. Code § 17200 et seq.)** 19 **By Plaintiff, Class and Subclass Against All Defendants and DOES 1-50)**

20 31. Plaintiff hereby incorporates all of the allegations set forth in each of the paragraphs
21 above and below by reference as though set forth in full in this cause of action.

22 32. Business & Professions Code section 17200 states “As used in this chapter, unfair
23 competition shall mean and include any unlawful, unfair or fraudulent business act or practice
24 and unfair, deceptive, untrue or misleading advertising and any act prohibited by Chapter 1
25 (commencing with Section 17500) of Part 3 of Division 7 of the Business and Professions
26 Code.”

27 33. Through Defendants’ conduct during the applicable statutory period including, but not
28 limited to, the conduct alleged herein, including that alleged on information and belief, the
defendant has engaged in business practices in California by practicing, employing, and utilizing,

1 the employment practices outlined in the preceding paragraphs all in violation of California law
2 and the applicable Industrial Welfare Commission Wage Order. Defendants' use of such
3 practices constitutes an unfair business practice, unfair competition, and provides an unfair
4 advantage over Defendants competitors doing business in the State of California that comply
5 with their obligations to properly provide employment conditions in compliance with the law and
6 pay employees for all earned wages and compensation as required by law.

7 34. Defendants' violations of the California Civil Code, Labor Code and the applicable Wage
8 Order and their scheme to lower payroll costs as alleged herein constitute unlawful business
9 practices because these actions were done in a systematic manner over a period of time to the
10 detriment of Plaintiff. The acts complained of herein occurred within the last four (4) years
11 preceding the filing of this complaint and include, but are not limited to, failure to (i) failure to
12 reimburse its employees for necessary business expenses. Plaintiff is informed and believes and
13 on that basis alleges that, at all times herein mentioned, Defendants engaged in the above-
14 mentioned acts of unlawful, deceptive, and unfair business practices prohibited by California
15 Business and Professions Code sections 17200 et seq., including those set forth in the preceding
16 paragraph, thereby depriving Plaintiff of the minimum working condition standards and
17 conditions due, including those under Labor Code and Wage Order.

18 35. As a result of Defendants unfair competition as alleged herein, Plaintiff, Class Members,
19 Subclass Members have suffered injury in fact and lost money or property. Plaintiff, Class
20 Members, Subclass Members are entitled have been deprived of the rights to accurate and
21 itemized wage statements, wages and benefits due including those as alleged herein.

22 36. Pursuant to California Business & Professions Code section 17203, Plaintiff, Class
23 Members, Subclass Members are entitled to seek restitution of all wages and other monies owed
24 on behalf of themselves and Aggrieved Employees belonging to them, including interest thereon,
25 which Defendants wrongfully withheld from them and retained for itself by means of its
26 unlawful and unfair business practices.

1 37. Plaintiff, Class Members, Subclass Members are entitled to an injunction and other
2 declaratory and equitable relief against such practices to prevent future damage for which there is
3 no adequate remedy at law, and to avoid a multiplicity of lawsuits.

4 38. Plaintiff is informed and believes, and on that basis alleges, that the illegal conduct
5 alleged herein is continuing and there is no indication that Defendants will not continue such
6 activity into the future. Plaintiff alleges that if Defendants is not enjoined from the conduct set
7 forth in this Complaint, they will continue to fail to pay the wage and compensation required to
8 be paid and will fail to comply with other requirements of the Labor Code and Wage Order.

9 39. As a direct and proximate result of Defendants conduct, Defendants have received and
10 will continue to receive monies that rightfully belong to members of the general public who have
11 been adversely affected by Defendants conduct, as well as to Plaintiff, Class Members, Subclass
12 Members by virtue of any unreimbursed business expenses or penalties associated therewith.

13 40. Plaintiff is entitled and seeks any and all available remedies including but not limited to
14 restitution and recovery of reasonable attorney's fees and costs pursuant to California Code of
15 Civil Procedure section 1021.5, Business and Professions Code section 17200 et seq., the
16 substantial benefit doctrine, and/or the common fund doctrine.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiff prays individually and on behalf of the proposed Class and
19 Subclass, prays for judgment against Defendants as follows:

- 20 A. Certification of Plaintiff's claims as a class action pursuant to Cal. Code of Civ. Pro.
21 Section 382, on behalf of the proposed class;
- 22 B. Class notice to all Class Members and Subclass Members in California who worked
23 for Defendants from four years prior to the filing of the original Complaint through
24 the trial of this action;
- 25 C. Plaintiff be appointed as the representative of the Class and Subclass;
- 26 D. Counsel for Plaintiff be appointed as counsel for the Class and Subclass;
- 27
- 28

1 E. The Court declare Defendants policies and/or practices of failing to reimburse
2 Plaintiff, Class and Subclass members for necessary business expenses violates Labor
3 Code section 2802;

4 **First Causes of Action:**

- 5 1. For an award of damages to Plaintiff and the Class Members and Subclass Members
6 pursuant to Labor Code section 2802 et seq.
7 2. The exact amount of the applicable damages is an amount to be shown according to proof at
8 trial and within the jurisdictional limits of the Court.
9 3. An award to Class and Subclass Representative Plaintiff, and the Class Members and
10 Subclass Members of reasonable attorneys' fees and costs, pursuant to California Civil
11 Procedure Code section 1021.5, California 2802 et seq., and/or other applicable law.
12

13 **Second Causes of Action:**

- 14 4. For a temporary restraining order, a preliminary injunction, and a permanent injunction
15 enjoining Defendants and its agents, servants and employees, and all persons acting under, in
16 concert with, or for Defendants from engaging in the unlawful, unfair, and fraudulent acts and
17 business practices described in Paragraphs 77 through 86 above;
18 5. For restitution, lost wages and penalties therewith;
19 6. For pre-judgment and post-judgment interest to the extent permitted by law;
20 7. For an award of attorneys' fees and costs incurred in the investigation, filing and prosecution
21 of this action pursuant to Code of Civil Procedure section 1021.5, Business and Professions Code
22 sections 17200, et seq., Labor Code section 1194 and any other applicable provision of law; and
23 8. For such other relief as the Court deems just and proper.
24

25 **As to All Causes of Action:**

- 26 9. For reasonable attorneys' fees and costs incurred
27 10. Interest accrued to date under the California Labor Code, including under Sections 226.7;
28 11. For such other and further relief as this Court may deem just and proper.

1 Dated: August 28, 2020

Jackson Law, APC

2
3 By: /s/ Armond M. Jackson
4 Armond M. Jackson
Attorneys for Plaintiff Katheryn Enriquez

5 **DEMAND FOR JURY TRIAL**

6 Plaintiff Katheryn Enriquez demands a jury trial in the above captioned matter.

7
8 Dated: August 28, 2020

Jackson Law, APC

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10
11 By: /s/ Armond M. Jackson
12 Armond M. Jackson
Attorneys for Plaintiff Katheryn Enriquez
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