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FILED
ALAMEDA COUNTY
NOV 23 2020
CLERK OF THE SUPERIOR COURT
By Alex R. Kosenko Jr. Deputy

ndividually,
: Class

THE STATE OF CALIFORNIA

ALAMEDA - UNLIMITED JURISDICTION

-) Case No. RG20075270
)
) **FIRST AMENDED CLASS ACTION &**
) **REPRESENTATIVE ACTION COMPLAINT**
) **FOR DAMAGES, RESTITUTION,**
) **INJUNCTIVE RELIEF, & PENALTIES**
)
) (1) Failure to Pay Overtime in Violation of
) California Labor Code Sections 510, 558,
) 1194 *et seq.*, 1198 & IWC Wage No. 5-2001;
) (2) Failure to Provide and/or Authorize Meal and
) Rest Periods / Unpaid Wages in Violation of
) California Labor Code Sections 226.7, 512,
) and 558, and IWC Wage Order No. 5-2001;
) (3) Failure to Reimburse Business Expenses in
) Violation of California Labor Code Section
) 2802;
) (4) Failure to Provide Timely, Accurate, Itemized
) Wage Statements in Violation of California
) Labor Code Sections 226, 226.3, 1174 and
) IWC Wage Order No. 5-2001;
) (5) Failure to Pay Earned Wages Upon Discharge,
) Waiting Time Penalties in Violation of Labor
) Code Sections 201-203;
) (6) Unlawful and/or Unfair Business Practices in
) Violation of California Business and
) Professions Code Section 17200, *et seq.*
) (7) Representative Action Under the Labor Code
) Private Attorneys General Act, Labor Code
) Section 2698, *et seq.*
)
)
) **DEMAND FOR JURY TRIAL**

1

TIVE ACTION COMPLAINT FOR DAMAGES, RESTITUTION
ALTIES; DEMAND FOR JURY TRIAL

Filed By Fax

If of herself, the Putative Class (as defined in Paragraph 18 of the Complaint), Defendant Off The Grid Services, LLC, and Defendants”), as well as DOES 1 through 10, inclusive,

FACTUAL STATEMENT

events and catering companies that employed Plaintiff and referred to as Instructional Entrepreneurs, as part of

are non-exempt employees under California’s wage and hour laws and received overtime compensation, meal breaks, and itemized wage statements consistent with the law. Additionally, on information and belief, Plaintiff and Defendant’s business expenses in violation of California wage

of Instructional Entrepreneurs as exempt from overtime compensation.

From April 6, 2016 to the final disposition of this case. During this time, Defendant provided adequate compensation to Plaintiff and the Putative Class as well as Defendant and the Putative Class pursuant to applicable state law, including but not limited to Article 10 of the Industrial Welfare Commission (“IWC”) to provide compensation, to provide or authorize meal and rest periods, to maintain accurate time records, as well as to provide relief.

Under the Private Attorneys General Act of 2004 (“PAGA”), Plaintiff seeks damages from April 6, 2019 to the final disposition of this case.

THE PARTIES

Plaintiff was employed by The Whole Cart as an Instructional Entrepreneur from April 6, 2016 until June 19, 2020. Off the Grid was her joint employer

fendants in locations including Hayward, Mountain

LLC ("Off the Grid") is a limited liability company that
ing. Off the Grid was originally incorporated in
to become a Delaware company. Off the Grid is
hew Cohen is the Chief Executive Officer of Off the
ountain View, San Francisco, and elsewhere in

("The Whole Cart") is a limited liability company that
ing. The Whole Cart was incorporated in California and
n Francisco, California. Matthew Cohen is also the
company does business in Hayward, Mountain View,

are sued herein under fictitious names. Their true
When their true names and capacities are ascertained,
heir true names and capacities herein. Plaintiff is
each of the fictitiously-named Defendants is
herein alleged, and that the damages of Plaintiff's and
y caused by such Defendants.

l thereon alleges that each of the Defendants herein was
loyee, representative partner, and/or joint venture of the
course and scope of the relationship. Plaintiff is further
of the Defendants herein gave consent to, ratified and
ig Defendants.

VENUE

is proper under Code of Civil Procedure section 395(a),
m work as an Instrucktional Entrepreneur in the City of

ALLEGATIONS

Internship Program called Instrukktional

events and catering business, for the last several years, called Instrukktional.

program interns Instrukktional Entrepreneurs.

ial as “an incubator program where aspiring mobile food ing their businesses from concept to successful launch.”

ktional program as providing a roughly two-year long mentorship, management training, and tailored

the Instrukktional program, Instrukktional

” in Defendants’ kitchens and trucks.

strukktional program includes an opportunity for the

lement a menu for one of Defendants’ food trucks

n with a fully developed business plan.”

ie time this lawsuit was filed, no one who has

quently launched a successful food truck business. Some

fter completing the program.

In the Putative Class to Work Long Hours

onal Entrepreneurs, including Plaintiff and Putative

ement that Instrukktional Entrepreneurs be able to work

many as sixty (60) hours in a workweek. Indeed,

am state, “Entrepreneurs are actively scheduled for

ect to work at least ten (10) additional hours per week.

members routinely worked in excess of eight (8) hours

the schedules set by Defendants. Plaintiff and other

me wages for this work.

endants, Plaintiff worked significant overtime. For
worked in the kitchen or food trucks that served
During this time, she regularly arrived at work at
p.m. There were several Fridays in 2019, when she was
, California, that she worked well over 12 hours in a

the long hours she was working, Defendants' managers
truck she would have to work long hours.

and the Putative Class as Exempt Employees

al Entrepreneurs as exempt workers and paid them a

members worked in Defendants' kitchens, food trucks,
b duties as truck supervisors, truck drivers, and line
lants paid hourly.

er Putative Class members' time during a typical

ers' non-exempt duties included chopping food,
rs, loading food trucks, driving food trucks, and
rly exercise discretion and independent judgment in

ers were supervised by Defendants' managers.

ers had no authority to hire or fire other employees and
as as to other employees' employment status.

ative Class member's time during the Instructional
ervice experience and product.

lass members performed was largely manual work
business operations of Defendants.

l the Putative Class to "devote their full time, ability and

and the Putative Class to obtain written consent from anyone else.

Additional Entrepreneurs to have completed a prolonged while Plaintiff had years of prior work experience in Entrepreneur, the same was not true of all programers had no prior food truck experience when they began

Plaintiff and Putative Class members worked. Plaintiff and when they worked in Defendants' kitchens or at Google employee meals were prepaid. Plaintiff and Putative Defendants violated Plaintiff's and the Putative Class's pay, itemized wage statements, and reimbursements. Classifying Plaintiff and the Putative Class as exempted Plaintiff and the Putative Class to work, Defendants and the Putative Class for hours worked in excess of week. Defendants' failure to pay overtime to Plaintiff wrong.

Classifying Plaintiff and the Putative Class as exempt to provide any uninterrupted, thirty (30) minute meal worked more than five (5) hours. Further, Defendants for work periods lasting more than ten (10) hours. Putative Class were expected to perform the same work as Defendants' orders and were thus deprived of duty-free

Classifying Plaintiff and the Putative Class as exempt to make available a ten (10) minute rest period to shifts lasting more than three-and-a-half (3.5) hours. Further, third, or fourth break available for longer shifts. Plaintiff

ing and responding to Defendants' orders and were thus

missed-meal or missed-rest-period premium to Plaintiff
Labor Code section 226.7 and IWC Wage Order 5-

ntiff and Putative Class members never signed valid

endants failed to reimburse Plaintiff and other Putative
such as purchasing Wix software for marketing, as well
etio or Slack software and to communicate with
ails.

ssifying Plaintiff and Putative Class members as exempt
failed to itemize rates of pay, total hours worked,
s on wage statements furnished to Plaintiff and Putative

sifying Putative Class members as exempt employees,
to pay Plaintiff and Putative Class members timely
loyment, all accrued compensation, including overtime
est period compensation, and, on information and belief

ON ALLEGATIONS

ursuant to Code of Civil Procedure section 382 on
Class)

istrucktional Entrepreneurs, and any other
duties, who Defendants classified as exempt from
any time from April 6, 2016 through the final

Related to COVID-19 Emergency Rule 9(a).

ursuant to Code of Civil Procedure section 382 on

g Time Penalties Subclass:

er work for Defendants and have not been 2 hours.

rsuant to Code of Civil Procedure section 382 on

d Wage Statement & PAGA Penalties Subclass:

worked for Defendants at some point from April is action.

Related to COVID-19 Emergency Rule 9(a).

1 brought and may properly be maintained as a class 2 because there is a well-defined community of interest aspect to the claims asserted herein and the Putative

former employees, the names and addresses of the ndants. Notice can be provided to Putative Class imilar to those customarily used in class action lawsuits

nd Subclasses are sufficiently numerous that joinder of d and believes, and on that basis alleges, that during the 5 people who satisfy the definition of the Putative Class

ypical of the Putative Class members. Plaintiff, like Defendants' common, unlawful policies, practices, and ' the claims of the Putative Class members whose re as well as meal and rest breaks, and who held job Entrepreneur during the Class Period. Defendants' Plaintiff and Putative Class members, to sustain the the same practices of Defendants. Plaintiff's claims are he claims of the Putative Class members and the

Waiting Time Penalties Subclass, in that she is not employed by Defendants for more than 72 hours, and is not, and on information and belief, unreimbursed

Itemized Wage Statement & PAGA Penalties Subclass, one year prior to the filing of this suit, and Defendants' interests.

of the Putative Class and Subclasses, does not have any Subclass members, and will prosecute the case on behalf of the Putative Class members. Plaintiff will fairly and adequately protect the interests of the Putative Class members. Plaintiff has retained counsel competent and experienced in handling wage and hour employment litigation.

The issues of law and fact common to Plaintiff and the Putative Class members are those affecting only individual members of the class. Plaintiff seeks relief, without limitation:

1. A policy or practice of classifying Putative Class members as exempt from overtime pay and other wage and hour

requirements of Putative Class members in a position subject to, and entitled to, overtime pay and other wage and hour requirements; 2. That Putative Class members have necessarily incurred employment-related expenses for Defendants;

3. That Defendants have failed to properly indemnify Putative Class members for their expenses in violation of Labor Code section 2802;

4. That Defendants have failed to properly indemnify Putative Class members for their expenses and losses constitutes an unlawful, unfair, and/or deceptive business practice in violation of Business & Professions Code section 17200 *et seq.*;

authorize and permit Putative Class members adequate off-
 ion for missed meal periods in violation of Labor Code
 Wage Order 5-2001;

authorize and permit Putative Class members adequate
 eriod compensation constitutes an unlawful, unfair,
 e under Business & Professions Code section 17200 *et*

ailed to authorize and permit timely rest breaks to
 ers and pay premiums when such breaks were missed
 1 226.7 and IWC Wage Order 5-2001.

authorize and permit Putative Class members adequate
 ul, unfair, and/or fraudulent business practice under
 tion 17200 *et seq.*;

d, encouraged, or permitted Putative Class members to
 : per week and/or eight (8) hours per day;

uld have known that Putative Class members regularly
 week and/or eight (8) hours per day;

Putative Class members overtime wages for time
 rs per week and/or eight (8) hours per day;

y Putative Class members overtime compensation
 and Labor Code sections 510 and 1194;

y overtime compensation to Putative Class members
 nd/or fraudulent business practice under Business &
t seq.;

nd intentionally failed to provide Potential Class
 s showing total rates of pay and hours worked with each
 Labor Code section 226 and IWC Wage Order 5-2001;

rovide an itemized statement showing rates of pay and

ment of wages to Putative Class members constitutes an
it business practice under Business & Professions

aintain documentation of the actual hours worked each
olated Labor Code section 1174 and IWC Wage Order

aintain documentation of the actual hours worked each
onstitutes an unlawful, unfair, and/or fraudulent
& Professions Code section 17200 *et seq.*;

nely pay all compensation owed to Putative Class
tion 204 and constituted an unlawful, unfair, and/or
r Business & Professions Code section 17200 *et seq.*;

y all compensation owed to Putative Class members at
ment constituted an unlawful, unfair, and/or fraudulent
& Professions Code section 17200 *et seq.*;

e willful;

g restitution, damages, and waiting time and other
ff and the Putative Class alleged herein.

Waiting Time Penalties Subclass: Common questions of
ass, and predominate over any questions solely affecting
ut not limited to:

d Labor Code sections 201-203 by failing, upon
members' termination or quitting, to timely pay wages
issued meal and rest periods.

Unpaid Wage Statement & PAGA Penalties Subclass:

members of the Subclass, and predominate over any
' that Subclass, including but not limited to:

adequate itemized wage statements to the Plaintiff and the

ble California law; and

d Labor Code section 204, for failure to pay all wages
period.

USE OF ACTION

Overtime Compensation

et seq., 1198; IWC Wage Order 5-2001]
nd All Putative Class Members)

in this cause of action each allegation of the preceding

nsation to Plaintiff and Putative Class members as

ode section 510 and IWC Wage Order 5-2001, which
employees.

me records as required by Labor Code section 1174(d)
made it difficult to calculate the overtime due to

ul acts, Plaintiff and Putative Class members have been
t to be determined at trial, and are entitled to recovery of
s' fees and costs, under Labor Code section 1194.

510 and 1198, Defendants are liable for civil penalties
sections 558, 1194, and 2699(g)(1), and Code of Civil

USE OF ACTION

Meal Periods and Rest Breaks

2, 558; IWC Wage Order 5-2001]
nd All Putative Class Members)

in this cause of action each allegation of the preceding

ers regularly worked in excess of five (5) hours a day

errupted meal period in which they were relieved of all

and 512 and IWC Wage Order 5-2001.

ers have regularly worked in excess of ten (10) hours a
uninterrupted meal period in which they were relieved of
6.7 and 512 and IWC Wage Order 5-2001.

rd proper meal periods, they are liable to Plaintiff and
al pay at the regular rate of compensation for each
rovided, pursuant to Labor Code section 226.7 and IWC

ers: regularly worked more than three and one-half
l permitted to take a ten (10) minute rest period in
worked more than six (6) hours in a day without being
) minute rest periods; worked more than ten (10) hours
to take three (3), ten (10) minute rest periods; and
ithout being authorized and permitted to take four (4),
bor Code section 226.7 and IWC Wage Orders.

rd proper rest periods, they are liable to Plaintiff and
ional pay at the regular rate of compensation for each
ovided, pursuant to Labor Code section 226.7(b) and

nd rest period premiums was done willfully, in bad
d the IWC Wage Order 5-2001.

226.7 and 512, and IWC Wage Order 5-2001,
ys' fees and costs for enforcing the public interest
ovisions, under section 2699(g)(1) and Code of Civil

USE OF ACTION
bursement of Business Expenses
Code § 2802]
nd All Putative Class Members)

e in this cause of action each allegation of the preceding

tion of Defendants and discharging their duties for
incurred work-related expenses. Such expenses include
cell phone plans. Upon information and belief,
red these substantial expenses as a direct result of

dants failed to properly indemnify Plaintiff and Putative
. Upon information and belief, by requiring employees
direct consequence of the discharge of their duties for
direction without properly indemnifying for these losses,
02.

unlawfully and failing to pay Plaintiff and other Putative
asonable attorneys' fees and costs under Labor

f Defendants' conduct, Plaintiff and Class members
of, as well as pre-judgment interest, costs, and

AUSE OF ACTION
rate Itemized Wage Statements
and 1174; IWC Wage Order 5-2001]
temized Wage Statement Subclass Members)

he Itemized Wage Statement Subclass alleges and
ach allegation of the preceding paragraphs as though

VC Wage Order 5-2001 require employers semi-
to furnish each California employee with a statement
orked by the employee, and their rates of pay. Labor
r knowingly and intentionally fails to provide a
l hours worked by the employee, or rates of pay, then

all actual damages or fifty dollars (\$50) for the initial
1 subsequent violation, up to four thousand dollars

onally failed to furnish Plaintiff and Putative Subclass
ng the total hours worked and rates of pay, as required
rder 5-2001. As a result, Defendants are liable to
amounts provided by Labor Code section 226(b).
section 1174 and IWC Wage Order 5-2001 by willfully
the actual hours worked each day by Plaintiff and
imate result of Defendants' failure to maintain payroll
; have suffered actual economic harm as they have been
r of hours worked and thus seeking all accrued

and Putative Class members, request relief for the
ion 226(b).

de sections 226 and 1174 and IWC Wage Orders,
ys' fees and costs for enforcing the public interest
ovisions, under section 2699(g)(1) and California Code

USE OF ACTION

Waiting Time Penalties

bor Code §§ 201-203]

re Waiting Time Penalties Subclass Members)

he Putative Waiting Time Penalties Subclass allege and
ach allegation of the preceding paragraphs as though

require an employer to pay its employees all wages due
tion 203 provides that if an employer willfully fails to
pay the subject employees' wages until the back wages

a maximum of thirty days of wages.

members who ceased employment with Defendants are
not received such compensation, more than 72 hours

and unpaid wages of Plaintiff within thirty (30) days
under Labor Code sections 201 and 202.

ely compensate Plaintiff and Putative Subclass

endants are liable to Plaintiff and Putative Subclass

Class Period for waiting time penalties, together with

and costs, under section 2699(g)(1) and California Labor

USE OF ACTION

ir Competition Law (“UCL”)

ions Code §§ 17200-17209]

and Putative Class Members)

in this cause of action each allegation of the preceding

tly, and unlawfully classified Putative Class members

, unfair and/or fraudulent business acts and practices as

17200, by engaging in the following:

compensation to Plaintiff and Putative Class members;

members to work for periods of five (5) or more

having at least a half-hour, off-duty break for meals;

and Putative Class members their premium wages earned

legally mandated meal and rest breaks;

ief, failing to properly indemnify Plaintiff and Putative

ment-related business expenses and losses, or

for business expenses;

itemized wage statements to Plaintiff and Putative

te payroll records showing the actual hours worked
Putative Class members; and
overtime, and meal and rest period compensation to
s members upon termination of their employment.
as a result of Defendants' unlawful business practices

l Putative Class members are entitled to restitution of
eans of such unlawful business practices, in amounts

l Putative Class members are entitled to injunctive relief
ractices. If an injunction does not issue enjoining
ess practices described above, Plaintiff and the general

adequate remedy at law. Defendants, if not enjoined by
al business practices described above in violation of the
rs and of the general public.

ill result in the enforcement of important rights
ficant benefit upon the general public.

of local and California law, as well as the other
, constitute unlawful business actions and practices in
on 17200, *et seq.*

ons Code section 17200, *et seq.*, Plaintiff and the
i for all overtime, meal and rest period compensation,
ses, and interest that were withheld and retained by
years prior to the filing of this action and a declaration
thin the meaning of the statute, in addition to an award
Civil Procedure section 1021.5 and other applicable law,

ON - REPRESENTATIVE ACTION
the Attorneys General Act of 2004 (“PAGA”)
of § 2698, et seq.]
(and Putative Class Members)

California Labor Code sections 2698–99 in a representative
 additional Entrepreneurs who were subjected to the
 and below.

the General Act of 2004 (“PAGA”), Labor Code § 2698
 bringing a civil action for the violation of any provision of
 for current or former employees in order to recover civil
 payment of maximum compliance with state labor laws
 private attorneys general in order to recover civil
 otherwise be prosecuted by the state. *See Arias v. Super.*

to Labor Code section 2699.3, Plaintiff sent a PAGA
 Agency (“LWDA”) and Defendants of the specific
 as Defendants have violated, including the facts and
 received Plaintiff’s PAGA notice that same day:

five-day time limit for the agency to respond fell on
 Plaintiff has exhausted their administrative remedies.

employee to collect the civil penalty authorized by law and
 violations for which no penalty has been established,
 for aggrieved employees and a default penalty in the
 aggrieved employee per pay period for the initial
 each aggrieved employee per pay period for each
 Plaintiff will seek to collect civil penalties for

California Labor Code sections 201-204, 223, 226, 226.3,
 198, 2698, 2802, and IWC Wage Order No. 5-2001.

ve, Plaintiff alleges that while Defendants misclassified employees and failed to pay them appropriate overtime for meal or rest breaks, failed to pay them missed break periods, failed to timely pay all wages due, failed to provide for the California Labor Code and the corresponding

re” as defined by PAGA, as are all other current and future for Defendants at any time between April 6, 2019 and the present. Plaintiff contends that each of the Instructional Entrepreneurs was an individual liable for the alleged PAGA penalties.

3 FOR RELIEF

Plaintiff and the Putative Class, requests judgment and the following:

1. This action may be maintained as a class action under Code of Civil Procedure 38.2.

2. Defendants have knowingly and intentionally violated the IWC Wage Orders 5-2001, and PAGA as to Plaintiff and

3. Defendants have violated IWC Wage Order 5-2001, IWC Wage Order 94 *et seq.*, 1198, IWC Wage Orders, and PAGA by failing to provide compensation to Class members;

4. Defendants have violated IWC Wage Order 5-2001, and PAGA by failing to provide meal periods to Plaintiff and Putative Class members; 5. Defendants have violated IWC Wage Order 5-2001, and PAGA by failing to provide rest periods to Plaintiff and Putative Class members; 6. Defendants have violated IWC Wage Order 5-2001, and PAGA by failing to provide meal-free rest periods to Plaintiff and Putative Class members;

7. Defendants have violated IWC Wage Order 5-2001, and PAGA by failing to indemnify Plaintiff and Putative Class members for their legal expenses;

8. Defendants have violated IWC Wage Order 5-2001, and PAGA by failing to

ss members with itemized statements of total hours
ges and failing to maintain payroll records of the actual

PAGA for failure to pay overtime and meal period
t the time of termination of employment, resulting in
l to timely pay overtime by the next pay period after
orked;

tions 17200-17209 by failing to pay Putative Class
by failing to provide off-duty meal periods and/or pay
n to Putative Class members, by failing to reimburse
sary business expenses, by failing to provide Putative
ge statements showing all hours worked, by failing to
ment all hours worked by Putative Class members, and
pensation owed to Putative Class members timely
ployment;

id to be willful and/or in bad faith to the extent
l of the California Labor Code for willful failure to pay
to Plaintiff and the Class members no longer employed
n by the date of the next pay period following the
earned; section 226 of the California Labor Code for
zed wage statements to Plaintiff and Putative Class
ain accurate records;

e Class members of damages in the amount of necessary
riod compensation, including interest thereon, subject

e Class members of statutory penalties because of
tive Class members with itemized wage statements that
or Code section 226, subject to proof at trial;

n as waiting time penalties as to those Putative Class
suant to Labor Code section 203;

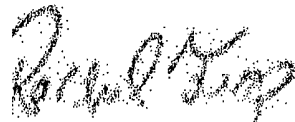
lure to reimburse business expenses, provide off-duty
vertime compensation, furnish accurate itemized wage
der the PAGA.

y restitution to Plaintiff and Putative Class members for
activities pursuant to Business and Professions
d desist from unlawful and unfair activities in violation
et seq.;

elief that Defendants' challenged policies are unlawful;
is members of reasonable attorneys' fees and costs,
ection 1021.5 and California Labor Code sections 226,
law; and

embers of such other and further relief, in law or

AW



RACHEL TERP

ys for Plaintiff Andrea O'Neal-Roberts
ative Class, and the general public

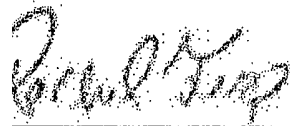
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all issues.

LAW



RACHEL TERP

ys for Plaintiff Andrea O'Neal-Roberts,
ative Class, and the general public

**ITION OF PLEADING
Procedure §§ 446, 2015.5)**

going amended complaint.

nended complaint and know the contents thereof.

knowledge, except as to those matters which are
n and belief, and as to those matters, I believe them

foregoing is true and correct. Executed on
mento, California

Signature, Andrea O'Neal-Roberts
Andrea O'Neal-Roberts

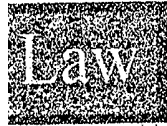
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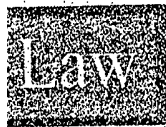
Agency

Off the Grid Services, LLC

Vinick Burrell Hyams LLP, represent the named matter concerning putative class claims: compensation, denied meal and rest breaks, unpaid wage statements, waiting time penalties, interest, and attorneys' fees and costs against defendants in the United States as "The Whole Cart") and its business in the United States as "Off the Grid Defendants"). Plaintiff and other individuals including InsTrucktional Entrepreneurs and other similar

Plaintiff, pursuant to the exhaustion requirements of Labor Code, my client intends to file a lawsuit very soon on behalf of myself and other aggrieved employees under the Labor Code. The purpose of my letter is to find out whether the defendant's allegations of violations of Labor Code Sections 56, 510, 512, 558, 1174, 1174.5, 1194, 1198, Labor Code, Wage Order No. 5-2001, and Code of Civil Procedure is a brief summary of my client's allegations

Plaintiff's unlawful refusal to pay its InsTrucktional employees compensation and to provide them with lawful meal and rest breaks, to reimburse all business expenses, as well as to comply with Labor Code. Defendants are food service and catering companies. InsTrucktional Defendants as part of a paid internship program



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Entrepreneurs perform non-exempt work for them as exempt employees, thus depriving abs to which they are legally entitled.

InsTruckctional Entrepreneurs will work more 60 hours per week. Indeed, InsTruckctional ired to work far in excess of forty hours per

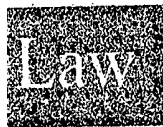
tive employees." Although exemptions to the employees," those exemptions are narrowly lies and responsibilities involve management gnized department or subdivision. Executive ie, or command particularly serious attention actions. Executive duties would include the ment with respect to matters of significance. i executive duties more than 50% of their d. InsTruckctional Entrepreneurs work in stands, with the majority of their time spent ping food, loading food trucks, driving food ay truck supervisors, truck drivers, and line uryly basis. Plaintiff and aggrieved employees . Plaintiff and aggrieved employees do not ent over matters of significance, as they are as they moved through the internship, under

ministrative employees." Although exemptions istrative employees," those exemptions are r non-manual work directly related to the of the employer or the employer's customers. rcise of discretion and independent judgment dministrative employees must be engaged in worktime. In addition to the reasons stated are not "administrative employees" because product and providing the service offered to ing as administrators of Defendants' general ants' overarching policies.

apply to InsTruckctional Entrepreneurs. They because their work does require knowledge alized intellectual instruction and study. The ause the limited sales activity involved in their

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workplaces. The commissioned employee
ot earn commission.

ollowing willful violations of California law
GA penalties claims:

required InsTrucktional Entrepreneurs to be
s in excess of eight hours per workday, in
ad on the seventh day worked in a single
ly failed to pay InsTrucktional Entrepreneurs
n violation of IWC Wage Order No. 5-2001
194, 1198, 2689 *et seq.*;

trucktional Entrepreneurs with lawful meal or
break premiums, in violation of IWC Wage
ction 226.7, 512, 558, and 2698, *et seq.*;
ntiff and other InsTrucktional Entrepreneurs
red. Defendants did not reimburse Plaintiff
e use of their cell phone plans for job related
ating expenses in violation of Labor Code

sTrucktional Entrepreneurs timely, accurate,
inter alia, of rates of pay and hours worked,
26, 226.3, and 2698 *et seq.*;

cords showing total hours worked and wages
bor Code sections 1174(d), 1174.5, and 2698

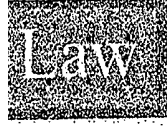
mpt payment of wages to InsTrucktional
nd resignation in violation of Labor Code
8 *et seq.*;

twice during each calendar month on days
loyer as the regular paydays in violation of
t *seq.*

peration in this matter. Please contact the
look forward to your response at your earliest

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