

SUMMONS (CITACION JUDICIAL)

**NOTICE TO DEFENDANT: AMPLA HEALTH, a California
(AVISO AL DEMANDADO):** corporation, and DOES 1 through 10,
inclusive

**YOU ARE BEING SUED BY PLAINTIFF: ELSA CASTELLANOS, on
(LO ESTÁ DEMANDANDO EL DEMANDANTE):** behalf of herself and
all "aggrieved employees" pursuant to Labor Code § 2698
et seq.

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

Superior Court of California
County of Butte

6/15/2021

By Kimberly Flener, Clerk Deputy
Electronically FILED

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

Superior Court of California, County of Butte
1775 Concord Avenue
Chico, California 95928

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: Alex P. Katofsky, Esq. #202754
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Gaines & Gaines, APLC

27200 Agoura Road, Suite 101, Calabasas, CA 91301

DATE:
(Fecha) 6/15/2021

Kimberly Flener Clerk, by
(Secretario)

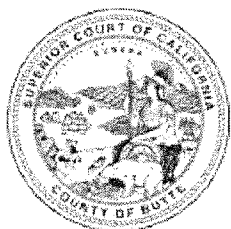
CASE NUMBER:
(Número del Caso)
21CV01531

818-703-8985
Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

- | | |
|--|---|
| under: ☐ CCP 416.10 (corporation) | ☐ CCP 416.60 (minor) |
| ☐ CCP 416.20 (defunct corporation) | ☐ CCP 416.70 (conservatee) |
| ☐ CCP 416.40 (association or partnership) | ☐ CCP 416.90 (authorized person) |
| ☐ other (specify): | |

4. ☐ by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Alex P. Katofsky, Esq. SBN: 202754 Gaines & Gaines, APLC 27200 Agoura Road, Suite 101, Calabasas, CA 91301 TELEPHONE NO.: 818-703-8985 FAX NO.: 818-703-8984 ATTORNEY FOR (Name): Plaintiff, Elsa Castellanos		FOR COURT USE ONLY FILED Superior Court of California County of Butte 6/15/2021 By <u><i>Kimberly F. Clark</i></u> Deputy <i>Electronically FILED</i> FILED	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE STREET ADDRESS: 1775 Concord Avenue MAILING ADDRESS: 1775 Concord Avenue CITY AND ZIP CODE: Chico, 95928 BRANCH NAME: North Butte County Courthouse		CASE NUMBER: 21CV01531 JUDGE: DEPT:	
CASE NAME: Castellanos v. Ampla Health, et al.			
CIVIL CASE COVER SHEET ☒ Unlimited (Amount demanded exceeds \$25,000) ☐ Limited (Amount demanded is \$25,000 or less)		Complex Case Designation ☐ Counter ☐ Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:
- | | | |
|---|--|--|
| Auto Tort
☐ Auto (22)
☐ Uninsured motorist (46)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)
☐ Other PI/PD/WD (23)
Non-PI/PD/WD (Other) Tort
☐ Business tort/unfair business practice (07)
☐ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PI/PD/WD tort (35)
Employment
☐ Wrongful termination (36)
☒ Other employment (15) | Contract
☐ Breach of contract/warranty (06)
☐ Rule 3.740 collections (09)
☐ Other collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)
Real Property
☐ Eminent domain/Inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)
Unlawful Detainer
☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)
Judicial Review
☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39) | Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)
☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
☐ Enforcement of judgment (20)
Miscellaneous Civil Complaint
☐ RICO (27)
☐ Other complaint (not specified above) (42)
Miscellaneous Civil Petition
☐ Partnership and corporate governance (21)
☐ Other petition (not specified above) (43) |
|---|--|--|
2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. ☐ Large number of separately represented parties
b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. ☐ Substantial amount of documentary evidence | d. ☐ Large number of witnesses
e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. ☐ Substantial postjudgment judicial supervision |
|--|--|
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): One (1)
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 6/14/21

Alex P. Katofsky, Esq.
(TYPE OR PRINT NAME)


 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property
Damage/Wrongful Death
Uninsured Motorist (46) (*if the
case involves an uninsured
motorist claim subject to
arbitration, check this item
instead of Auto*)

Other PI/PD/WD (Personal Injury/
Property Damage/Wrongful Death)
Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/
Wrongful Death
Product Liability (*not asbestos or
toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—
Physicians & Surgeons
Other Professional Health Care
Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip
and fall)
Intentional Bodily Injury/PD/WD
(e.g., assault, vandalism)
Intentional Infliction of
Emotional Distress
Negligent Infliction of
Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business
Practice (07)
Civil Rights (e.g., discrimination,
false arrest) (*not civil
harassment*) (08)
Defamation (e.g., slander, libel)
(13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice
(*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer
or wrongful eviction*)
Contract/Warranty Breach—Seller
Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/
Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open
book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections
Case
Insurance Coverage (*not provisionally
complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse
Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent
domain, landlord/tenant, or
foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal
drugs, check this item; otherwise,
report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court
Case Matter
Writ—Other Limited Court Case
Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal.
Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims
(*arising from provisionally complex
case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of
County)
Confession of Judgment (*non-
domestic relations*)
Sister State Judgment
Administrative Agency Award
(*not unpaid taxes*)
Petition/Certification of Entry of
Judgment on Unpaid Taxes
Other Enforcement of Judgment
Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified
above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-
harassment*)
Mechanics Lien
Other Commercial Complaint
Case (*non-tort/non-complex*)
Other Civil Complaint
(*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate
Governance (21)
Other Petition (*not specified
above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult
Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late
Claim
Other Civil Petition

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FILED Superior Court of California
County of Butte
6/15/2021
FILED
By Kimberly Fisher, Clerk Deputy
Electronically FILED

7 Attorneys for Plaintiff Elsa Castellanos on behalf of herself and all "aggrieved employees" pursuant
8 to Labor Code § 2698 *et seq.*

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF BUTTE**

11 ELSA CASTELLANOS, on behalf of herself
12 and all "aggrieved employees" pursuant to
Labor Code § 2698 *et seq.*,

13 Plaintiffs,

14 v.

15 AMPLA HEALTH, a California corporation,
16 and DOES 1 through 10, inclusive,

17 Defendants.
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CASE NO: 21CV01531

**REPRESENTATIVE ACTION
COMPLAINT FOR PENALTIES
PURSUANT TO LABOR CODE § 2699(f)
FOR VIOLATIONS OF LABOR CODE
§§ 201, 202, 226(a), 226.7, 512, AND 2802
AND PURSUANT TO LABOR CODE §
2699(a) FOR VIOLATIONS OF LABOR
CODE §§ 226.3 AND 558**

1 Plaintiff ELSA CASTELLANOS ("Plaintiff"), on behalf of herself and others as an
2 "aggrieved employee" under the Labor Code Private Attorneys General Act of 2004, complains of
3 AMPLA HEALTH, a California corporation, and/or any subsidiaries or affiliated companies
4 (hereinafter referred to as "Defendants"), as follows:

5 **I.**

6 **INTRODUCTION AND FACTUAL BACKGROUND**

7 1. This is a Representative Action, pursuant to Labor Code § 2698 *et seq.*, on behalf of
8 Plaintiff and all of Defendants' non-exempt California employees ("Aggrieved Employees").

9 2. For at least one (1) year prior to the filing of this action and at least one (1) year prior
10 to the date Plaintiff began the process of exhausting the administrative requirements, pursuant to
11 Labor Code § 2698 *et seq.*, and continuing to the present (the "liability period"), Defendants have had
12 consistent policies of:

13 a. Failing to pay premium wages to Plaintiff and Aggrieved Employees who were
14 denied rest periods, in violation of Labor Code §§ 226.7 and 558 and IWC Wage Order 4-2001.
15 Plaintiff and all other Aggrieved Employees were routinely not authorized and unable to take an off-
16 duty, 10-minute rest period for every four (4) hours of work or major fraction thereof, but were not
17 paid premium wages of one hour's pay for each missed rest period. This violates Labor Code §§ 226.7
18 and 558 and IWC Wage Order 4-2001. When they are provided with a rest break, they are not
19 permitted to leave the work premises, resulting in impermissible on-duty rest periods during which
20 Defendant maintained control over them;

21 b. Failing to pay premium wages to Plaintiff and other Aggrieved Employees who
22 were denied meal periods, in violation of Labor Code §§ 226.7, 512 and 558 and IWC Wage Order
23 4-2001. Plaintiff and Aggrieved Employees were routinely denied, and not authorized to take, a
24 timely, uninterrupted, 30-minute meal period for every shift worked that exceeded five hours in
25 duration, or a second timely, uninterrupted, 30-minute meal period for every shift worked that
26 exceeded ten hours in duration, but were not paid premium wages of one hour's pay for each missed
27 first or second meal period. This violates Labor Code §§ 226.7, 512 and 558 and IWC Wage Order
28 4-2001;

1 c. Failing to provide Plaintiff and other Aggrieved Employees with wage
2 statements that fully and accurately itemized the requirements set forth in Labor Code §§ 226(a) and
3 226.3. Plaintiff and other Aggrieved Employees were not paid all meal and rest period premium wages
4 due. As such, the wage statements provided by Defendants failed to accurately state all gross wages
5 earned, in violation of Labor Code §§ 226(a)(1) and 226.3, and net wages earned, in violation of
6 Labor Code §§ 226(a)(5) and 226.3;

7 d. Failing to reimburse Plaintiff and other Aggrieved Employees for necessary
8 business expenses incurred in direct consequence of the discharge of their duties, in violation of Labor
9 Code § 2802, including, but not limited to, the use of their personal vehicles. Labor Code § 2802
10 requires an employer to indemnify its employees for all necessary expenditures or losses incurred by
11 the employee in direct consequence of the discharge of their duties. Plaintiff and other Aggrieved
12 Employees incurred expenses to perform their job duties and Defendants failed to reimburse them for
13 those expenses, in violation of Labor Code § 2802; and

14 e. Failing to pay Plaintiff and other Aggrieved Employees all wages due at the
15 separation of their employment based on the time frames required by Labor Code §§ 201 and 202.
16 As stated herein, Plaintiff and other Aggrieved Employees were not paid all wages due, during the
17 course of their employment and, as a result of this failure, they were not timely paid all wages due at
18 the separation of their employment. This violates Labor Code §§ 201-202 and is alleged on behalf of
19 Plaintiff and certain Aggrieved Employees no longer employed by Defendants.

20 3. Plaintiff, on behalf of herself and all Aggrieved Employees pursuant to Labor Code §
21 2698 *et seq.*, seeks civil penalties for Defendants' violations of the California Labor Code.

22 4. Venue is proper in this judicial district, pursuant to Code of Civil Procedure § 395.
23 The Labor Code violations alleged against Defendants herein arose in Butte County, California.

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1 II.

2 **TOLLING AGREEMENT**

3 5. Plaintiff and Defendants entered into a series of agreements to toll the statute of
4 limitations, pursuant to California Code of Civil Procedure § 360.5, from January 10, 2021 through
5 and including July 1, 2021. As such, all periods of limitation (statutory or otherwise) affecting any
6 and all claims or causes of actions which Plaintiff may have against Defendants have been tolled
7 between January 10, 2021 and July 1, 2021.

8 III.

9 **PARTIES**

10 **A. Plaintiff**

11 6. Plaintiff ELSA CASTELLANOS was employed by Defendants from September 2010
12 through July 2020 as non-exempt employee in Butte County, California.

13 **B. Defendant**

14 7. Defendant AMPLA HEALTH is a California corporation. Defendant AMPLA
15 HEALTH employed Plaintiff and Aggrieved Employees throughout the State of California, including
16 Butte County, California.

17 8. The true names and capacities, whether individual, corporate, associate, or otherwise,
18 of Defendants sued herein as DOES 1 to 10, inclusive, are currently unknown to Plaintiff, who
19 therefore sues Defendants by such fictitious names under Code of Civil Procedure § 474. Plaintiff is
20 informed and believes, and based thereon alleges, that each of the Defendants designated herein as a
21 DOE is legally responsible in some manner for the unlawful acts referred to herein. Plaintiff will
22 seek leave of court to amend this Complaint to reflect the true names and capacities of the Defendants
23 designated hereinafter as DOES when such identities become known.

24 9. Plaintiff is informed and believes, and based thereon alleges, that each Defendant acted
25 in all respects pertinent to this action as the agent of the other Defendants, carried out a joint scheme,
26 business plan or policy in all respects pertinent hereto, and the acts of each Defendant is legally
27 attributable to the other Defendants.
28

10. The Defendants named herein as DOE 1 through DOE 10 are and were persons acting on behalf of, or acting jointly with, Defendants, who violated, or caused to be violated, one or more provisions of the California Labor Code as alleged herein.

IV.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

**PLAINTIFF AND ALL AGGRIEVED EMPLOYEES AGAINST ALL DEFENDANTS
PENALTIES PURSUANT TO LABOR CODE § 2699(f) FOR VIOLATIONS OF LABOR
CODE §§ 201, 202, 226(a), 226.7, 512, AND 2802 AND PURSUANT TO LABOR CODE §
2699(a) FOR VIOLATIONS OF LABOR CODE §§ 226.3 AND 558**

11. Plaintiff incorporates paragraphs 1 through 10 of this Complaint as though fully set forth herein.

12. As a result of the acts alleged above, including the Labor Code violations set forth in paragraph 2 above, Plaintiff seeks civil penalties pursuant to Labor Code §§ 2698 *et seq.*

13. For each such violation, Plaintiff and all other Aggrieved Employees are entitled to penalties and other relief in an amount to be shown at the time of trial subject to the following formula:

- a. Pursuant to Labor Code § 2699(f), \$100 for each initial violation and \$200 for each subsequent violation of Labor Code §§ 201, 202, 226(a), 226.7, 512, and 2802; and
- b. Pursuant to Labor Code § 2699(f), the penalties as authorized by Labor Code §§ 226.3 and 558.

14. Civil penalties recovered will be allocated 75% to the Labor and Workforce Development Agency, and 25% to the affected employees.

15. On November 5, 2020, Plaintiff sent a letter, by online submission to the LWDA and by certified mail, return receipt requested, to Defendants setting forth the facts and theories of the violations alleged against Defendants, as prescribed by Labor Code § 2698 *et seq.* Pursuant to Labor Code § 2699.3(a)(2)(A), no notice was received by Plaintiff from the LWDA within sixty-five (65)

1 calendar days of November 5, 2020. Plaintiff may therefore commence this action to seek civil
2 penalties pursuant to Labor Code § 2698 *et seq.*

3 Wherefore, Plaintiff and the Aggrieved Employees she seeks to represent request relief as
4 described below.

5 V.

6 **RELIEF REQUESTED**

7 WHEREFORE, Plaintiff prays for the following relief:

8 1. For civil penalties pursuant to Labor Code § 2698 *et seq.* for Plaintiff and all other
9 Aggrieved Employees;

10 2. An award providing for payment of costs of suit pursuant to Labor Code § 2699(g)(1)
11 and other applicable law;

12 3. An award of attorneys' fees pursuant to Labor Code § 2699(g)(1) and other applicable
13 law; and

14 4. Such other and further relief as this Court may deem just and proper.

15 Dated: June 14, 2021

Respectfully submitted,

16 GAINES & GAINES
17 A Professional Law Corporation

18 By: Daniel F. Gaines
19 DANIEL F. GAINES
20 EVAN S. GAINES
21 Attorneys for Plaintiff
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name & Address): TELEPHONE NO: ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE ☐ Butte County Courthouse One Court Street, Oroville, CA 95965 (530) 532-7002 ☒ North Butte County Courthouse 1775 Concord Avenue, Chico, CA 95928 (530) 532-7009	FOR COURT USE ONLY Superior Court of California County of Butte 06/15/2021 Kimberly Flener, Clerk By <u>D. Hattrup</u> Deputy
PLAINTIFF(S): ELSA CASTELLANOS DEFENDANT (S): AMPLA HEALTH, A CALIFORNIA CORPORATION	
NOTICE OF ASSIGNMENT & CASE MANAGEMENT CONFERENCE	CASE NUMBER: 21CV01531

1. NOTICE is given of Assignment of the above entitled case for all purposes to Judge **Stephen E Benson**.
2. NOTICE is given that the Case Management Conference is scheduled as follows:
 Date: **December 08, 2021** Time: **10:30 A.M.** Court Facility: ☒ CHICO (1775 CONCORD AVE, CHICO)

PLAINTIFF/CROSS COMPLAINANT MUST SERVE THIS NOTICE WITH SUMMONS AND COMPLAINT/CROSS COMPLAINT

3. You **must** file and serve a completed Case Management Statement at least fifteen days before the conference.
4. You **must** be familiar with the case and be fully prepared to participate effectively in the Case Management Conference by personal or telephonic appearance. (Telephonic appearances are arranged by calling Court Call at 1-888-882-6878).
5. At the Case Management Conference, the court shall make pretrial orders, including but not limited to:
 - a. Establishing a discovery schedule.
 - b. Ordering the case to mediation or arbitration.
 - c. Dismissing fictitious defendants.
 - d. Scheduling exchange of expert witness information.
 - e. Setting subsequent conferences and the trial date.
 - f. Consolidating cases.
 - g. Severing trial of cross-complaints or bifurcating trial of issues.
 - h. Determining when demurrers, motions to strike and other motions are to be noticed.

*** * * Note: Counsel and Parties Should Review CRC §3.720-3.730. * * ***

Tentative Rulings: Although not applicable to Case Management Conferences, the Court advises counsel that for law and motion matters, the Court follows the tentative ruling procedure set forth in CRC § 3.1308(a)(1) and in Local Rule 2.9: tentative rulings on law and motion matters will be available on the Court's website at www.buttecourt.ca.gov and by telephone at (530) 532-7022 by 3:00 p.m on the Court day preceding the hearing. By 4 p.m. that same day, a party must notify all other parties and the Court of their intention to argue. If timely notice is not given, no oral argument will be permitted unless the court has directed the parties to provide further argument in its tentative ruling.

*** * Sanctions * ***

If you do not, (1) file the Case Management Statement, (2) attend the Case Management Conference personally or by telephone (or have counsel attend for you), and/or (3) you (or counsel appearing for you) do not participate effectively in the conference, the court may impose sanctions (including dismissal of the case and payment of money).

I declare under penalty of perjury that I am not a party to this action, am at least 18 years of age and that I personally mailed a copy of this Notice of Assignment & Case Management Conference with the conference date and hearing time inserted to Alex Paul Katofsky, a person representing the plaintiff/cross-complainant.

Date: June 15, 2021

Kimberly Flener, Clerk of the Court, by Dawn Hattrup, Deputy.