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

DEANNA EDWARDS, as an individual
and on behalf of all others similarly
situated,

Plaintiffs,

vs.

AEROTEK, INC., a Maryland corporation;
and DOES 1 through 50, inclusive,

Defendants.

Case No.: 37-2021-00003108-CU-OE-CTL

**REPRESENTATIVE ACTION COMPLAINT
FOR:**

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

DEMAND OVER \$25,000.00

1 Plaintiff Deanna Edwards (“Plaintiff”) hereby submits this Representative Action
2 Complaint (“Complaint”) against Defendant Aerotek, Inc. and Does 1 through 50 (hereinafter
3 collectively referred to as “Defendants”) on behalf of herself and other aggrieved employees of
4 Defendant for penalties under the Private Attorneys General Act of 2004 (the “PAGA”), codified
5 at California Labor Code section 2698, *et seq.*, for violations of the California Labor Code,
6 including without limitation, failure to reimburse employees for all business-related expenses, as
7 follows:

8 **INTRODUCTION**

9 1. This representative action is within the Court’s jurisdiction under California
10 Labor Code sections 2802 and 2698, *et seq.* and the applicable Wage Orders of the California
11 Industrial Welfare Commission (“IWC”).

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

14 3. Plaintiff is informed and believes, and based thereon alleges, that Defendants,
15 jointly and severally, have acted intentionally and with deliberate indifference and conscious
16 disregard to the rights of all employees in Defendants’ failure to reimburse employees for all
17 business-related expenses.

18 4. Plaintiff is informed and believes, and based thereon alleges, that Defendants
19 have engaged in, among other things a system of willful violations of the California Labor Code
20 and the applicable IWC’s 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 sections 2802 and 2698, *et seq.*

25 6. Venue is proper because Defendant does business in Santa Diego County and
26 maintains a business location in San Diego County.

PARTIES

7. Plaintiff was employed by Defendant as a non-exempt employee from on or about November 19, 2020 until on or about November 28, 2020.

8. Plaintiff is informed and believes, and based thereon alleges, that at all times herein mentioned Defendant Aerotek, Inc. was and is a Maryland corporation doing business in the State of California.

9. Plaintiff is informed and believes, and based thereon alleges, that at all times herein mentioned Defendants 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.

10. As such, and based upon all the facts and circumstances incident to Defendants' business, Defendants are subject to California Labor Code sections 2802 and 2698, *et seq.*

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

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

13. Plaintiff is informed and believes, and based thereon alleges, that at all times material hereto, each of the Defendants named herein was the agent, employee, alter ego, and/or joint venturer of, or working in concert with each of the other co-Defendants and was acting within the course and scope of such agency, employment, joint venture, or concerted activity.

1 To the extent said acts, conduct, and omissions were perpetrated by certain Defendants, each of
2 the remaining Defendants confirmed and ratified said acts, conduct, and omissions of the acting
3 Defendants.

4 14. At all times herein mentioned, Defendants, and each of them, were members of,
5 and engaged in, a joint venture, partnership and common enterprise, and acting within the course
6 and scope of, and in pursuance of, said joint venture, partnership and common enterprise.

7 15. At all times herein mentioned, the acts and omissions of various Defendants, and
8 each of them, concurred and contributed to the various acts and omissions of each and all of the
9 other Defendants in proximately causing the injuries and damages as herein alleged. At all times
10 herein mentioned, Defendants, and each of them, ratified each and every act or omission
11 complained of herein. At all times herein mentioned, Defendants, and each of them, aided and
12 abetted the acts and omissions of each and all of the other Defendants in proximately causing the
13 damages as herein alleged.

14 **FIRST CAUSE OF ACTION**

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

16 **(BY PLAINTIFF AND THE AGGRIEVED EMPLOYEES AGAINST ALL**
17 **DEFENDANTS)**

18 29. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 15 as
19 though fully set for herein.

20 30. Plaintiff brings this cause of action as a proxy for the State of California and in
21 this capacity, seeks penalties on behalf of all Aggrieved Employees from June 27, 2019 through
22 the present, for Defendant's violations of Labor Code section 2802.

23 31. Defendant required Plaintiff and Aggrieved Employees to use their personal
24 phones and home internet for work related purposes, including communicating with co-workers.
25 However, Defendant did not reimburse Plaintiff and Aggrieved Employees for the costs related
26 to the use of their personal phones and home internet for work related purposes.

27 32. On or about December 22, 2020, Plaintiff sent written notice to the California
28 Labor & Workforce Development Agency ("LWDA") of Defendant's violations of Labor Code

1 sections 2802, pursuant to Labor Code section 2698, *et seq.*, the Private Attorney General Act
2 (“PAGA”).

3 33. As such, pursuant to Labor Code section 2699(a), Plaintiff seeks recovery of any
4 and all applicable civil penalties for Defendant’s violation of Labor Code section 2802, for the
5 time periods described above, on behalf of herself and other Aggrieved Employees.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff prays for judgment for herself and all others on whose behalf
8 this suit is brought against Defendants, jointly and severally, as follows:

9 1. Upon the First Cause of Action, for civil penalties according to proof pursuant to
10 Labor Code section 2698, *et seq.*, and for costs and attorneys’ fees; and

11 2. For such other and further relief the Court may deem just and proper.
12

13 DATED: January 22, 2021

DIVERSITY LAW GROUP, P.C.

14
15 By: _____

Larry W. Lee

Kristen M. Agnew

Attorneys for Plaintiffs and the Aggrieved
Employees
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