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E-FILED
1/4/2021 3:37 PM
Superior Court of California
County of Fresno
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Attorneys for Plaintiff and the Aggrieved Employees

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

KYESHA EVANS-BEASLEY, an individual
and on behalf of all others similarly situated,

Plaintiff,

vs.

AJR TRUCKING, INC., a California
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No. [21CECG00027](#)

COMPLAINT FOR DAMAGES FOR:

**(1) VIOLATION OF LABOR CODE §
2698 *ET SEQ* (PRIVATE
ATTORNEY GENERAL ACT)**

Plaintiff Kyesha Evans-Beasley (“Plaintiff”) hereby submits this Complaint against Defendants AJR Trucking, Inc., a California corporation; and DOES 1-50 (hereinafter collectively referred to as “Defendants”), on behalf of the State of California for penalties and/or damages for violations of the California Labor Code, including without limitation, failure to pay all employees their earned wages in a timely manner as follows:

1 **INTRODUCTION**

2 1. This representative action is within the Court's jurisdiction under California
3 Labor Code § 2698 *et seq.*, the Private Attorneys General Act ("PAGA").

4 2. This complaint challenges systemic illegal employment practices resulting in
5 violations of the California Labor Code against employees of Defendants.

6 3. Plaintiff is informed and believes, and based thereon alleges, Defendants, jointly
7 and severally, have acted intentionally and with deliberate indifference and conscious
8 disregard to the rights of all employees by failing to pay all employees their earned wages in a
9 timely manner.

10 4. Plaintiff is informed and believes, and based thereon alleges, Defendants have
11 engaged in, among other things a system of willful violations of the California Labor Code and
12 applicable IWC wage orders by creating and maintaining policies, practices and customs that
13 knowingly deny employees the above stated rights and benefits.

14 **JURISDICTION AND VENUE**

15 5. The Court has jurisdiction over the violations of the PAGA.

16 6. Venue is proper because the Defendants do business in Fresno County, and
17 Plaintiff performed her duties in and resides in Fresno County.

18 **PARTIES**

19 7. Plaintiff was employed by Defendants as a truck driver beginning on or about
20 December 18, 2018. Plaintiff regularly drives a route from Fresno, California to Stevenson
21 Ranch, California.

22 8. Plaintiff was and is the victim of the policies, practices, and customs of
23 Defendants complained of in this action in ways that have deprived her of the rights
24 guaranteed to him by California Labor Code § 204 and PAGA.

25 9. Plaintiff is informed and believes, and based thereon alleges, that at all times
26 herein mentioned Defendant AJR Trucking, Inc. was and is a corporation under the laws of the
27 State of California doing business in the State of California.

28 10. As such, and based upon all the facts and circumstances incident to Defendants'

1 business, Defendants are subject to California Labor Code § 204.

2 11. Plaintiff does not know the true names or capacities, whether individual, partner
3 or corporate, of the defendants sued herein as Does 1 through 50, inclusive, and for that reason,
4 said defendants are sued under such fictitious names. If and when they are ascertained,
5 Plaintiff prays for leave to amend this Complaint. Plaintiff is informed and believes and, based
6 thereon alleges, that each of said fictitious Defendants was responsible in some way for the
7 matters alleged herein and proximately caused Plaintiff and members of the class to be subject
8 to the illegal employment practices, wrongs, and injuries complained of herein.

9 12. 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,
11 the 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 13. Plaintiff is informed and believes, and based thereon alleges, that at all times
15 material hereto, each of the Defendants named herein was the agent, employee, alter ego
16 and/or joint venturer of, or working in concert with each of the other co-Defendants and was
17 acting within the course and scope of such agency, employment, joint venture, or concerted
18 activity. To the extent said acts, conduct, and omissions were perpetrated by certain
19 Defendants, each of the remaining Defendants confirmed and ratified said acts, conduct, and
20 omissions of the acting Defendants.

21 14. 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
23 course and scope of, and in pursuance of, said joint venture, partnership and common
24 enterprise.

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

1 complained of herein. At all times herein mentioned, the Defendants, and each of them, aided
2 and abetted the acts and omissions of each and all of the other Defendants in proximately
3 causing the damages as herein alleged.

4 **PAGA ALLEGATIONS**

5 16. **Definition:** The named individual Plaintiff seeks penalties pursuant to PAGA on
6 behalf of the following aggrieved employees (which shall be collectively referred to as the
7 “Aggrieved Employees”):

- 8 a. All current and former employees of Defendants in the State of California
9 who were paid wages by Defendants at any time from July 8, 2019, to the
10 present.

11 17. Defendants uniformly administered a corporate policy, practice of failing to
12 timely pay wages to its employees in violation of Labor Code § 204.

13 **FIRST CAUSE OF ACTION**

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

15 18. Plaintiff re-alleges and incorporates by reference the preceding paragraphs as
16 though fully set forth herein.

17 19. Defendants failed in their affirmative obligation to timely pay wages to their
18 employees. Defendants, as a matter of policy and practice, paid their employees on a bi-
19 weekly basis and thus are subject to the timing requirements of Labor Code § 204(d).

20 20. Pursuant to Labor Code section 204(d), all earned wages by such employees
21 must be paid out by the seventh (7th) day following the closing of the pay period. As a pattern
22 and practice, Defendants had a consistent policy of paying the wages of its employees on about
23 the tenth (10th) day following the close of the respective pay period, and thus, beyond the time
24 periods as allowed pursuant to Labor Code § 204.

25 21. Plaintiff provided written notice to the California Labor and Workforce
26 Development Agency (“LWDA”) of Defendants’ violation of California Labor Code § 204
27 pursuant to PAGA on December 17, 2020. Plaintiff also demanded that Defendant cure all
28 violations and pay all applicable penalties. To date, the LWDA has not responded to

1 Plaintiff's written notice, nor has Defendant paid the applicable penalties.

2 22. Pursuant to Labor Code § 2699(a), the Plaintiff seeks recovery of all applicable
3 civil penalties, for herself and on behalf of all Aggrieved Employees, for Defendants' violation
4 of Labor Code § 204.

5 **PRAYER FOR RELIEF**

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

8 1. Upon the First Cause of Action, for civil penalties according to proof pursuant to
9 Labor Code § 2698 *et seq.*, and/or Labor Code § 210;

10 2. On all causes of action, for attorney's fees and costs as provided by California
11 Labor Code § 2698 *et seq.* and Code of Civil Procedure § 1021.5; and

12 3. For such other and further relief as the Court may deem just and proper.
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14 DATED: January 4, 2021

DIVERSITY LAW GROUP, P.C.

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16 By: 
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18 Max W. Gavron
19 Attorneys for Plaintiff Kyesha Evans-Beasley
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