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Case Management Conference  
08/20/2021 08:30 AM in 10C

STK-CV-UOE-2021-0001368

Attorneys for Plaintiff DANIEL SERNA

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**IN AND FOR THE COUNTY OF SAN JOAQUIN**

**DANIEL SERNA, an individual,**

**Plaintiff,**

**vs.**

**WILLIAMS TANK LINES, a corporation;  
and DOES 1-100, inclusive,**

**Defendants.**

**Case No.:**

**COMPLAINT**

**1. PRIVATE ATTORNEYS GENERAL ACT**

Plaintiff Daniel Serna brings this action against Williams Tank Lines, a corporation; an  
Does 1 through 100, for violations of the Labor Code.

**PARTIES**

1. Daniel Serna ("Serna" or "Plaintiff") is a resident of California and was an  
"employee" as defined by the California Labor Code.

2. Williams Tank Lines ("WTL" or "Defendant") is a California corporation formed  
under the laws of California and, at all times relevant herein, was an "employer" as defined by the  
California Labor Code.

1           3.       WTL and Does 1-100 are collectively referred to as Defendants.

2           4.       Plaintiff is not aware of the true names and capacities of the Defendants sued herein  
3 as Does 1 through 100, whether individual, corporate, associate, or otherwise and therefore sues  
4 such Defendants by these fictitious names. Plaintiff will amend this Complaint to allege their true  
5 names and capacities when ascertained. Plaintiff is informed and believes, and on that basis  
6 alleges, that each of the fictitiously named Defendants is responsible in some manner for the  
7 occurrences herein alleged and that Plaintiff's injuries and damages herein alleged were legally  
8 caused by such Defendants. Unless otherwise indicated, each Defendant was acting within the  
9 course and scope of said agency and/or employment, with the knowledge and/or consent of said co-  
10 Defendant.

11          5.       Plaintiff is informed and believes and thereupon alleges that at all times mentioned  
12 herein, each of the Defendants, including each Doe Defendant, was acting as the agent, servant,  
13 employee, partner and/or joint venturer of and was acting in concert with each of the remaining  
14 Defendants, including each Doe Defendant, in doing the things herein alleged, while at all times  
15 acting within the course and scope of such agency, service, employment partnership, joint venture  
16 and/or concert of action. Each Defendant, in doing the acts alleged herein, was acting both  
17 individually and within the course and scope of such agency and/or employment, with the  
18 knowledge and/or consent of the remaining Defendants.

19                               **JURISDICTION AND VENUE**

20          6.       Venue is proper in this Court because WTL's principal place of business is within  
21 San Joaquin County.

22                               **GENERAL ALLEGATIONS**

23          7.       Serna was hired by WTL in or around July 2015, as a truck driver. Serna's  
24 employment with WTL was based out of its terminal in Bakersfield, California. Serna resigned his  
25 employment with WTL on or around June 26, 2019.

26          8.       During his employment with WTL, Serna was furnished with itemized wage  
27 statements that failed to show the last four digits of the employee's social security number, or an

1 employee identification number other than the employee's social security number. (**Exhibit 1.**)  
2 Accordingly, WTL violated Labor Code section 226, subdivision (a)(7). These violations were  
3 committed as against current and other former California employees of WTL, and within the last  
4 year.

5 9. On December 7, 2020, Serna provided written notice to the Labor and Workforce  
6 Development Agency ("LWDA") and WTL regarding the specific provisions of the Labor Code  
7 alleged to have been violated, including the facts and theories to support those alleged violations.  
8 (**Exhibit 2.**)

9 10. As of the filing of this Complaint, more than 65 calendar days after Serna's written  
10 notice, the LWDA has not provided written notice that it intends to investigate any of Serna's  
11 allegations as set forth above. Accordingly, Serna has satisfied the administrative prerequisites  
12 under Labor Code section 2699.3 to bring a civil action to recover civil penalties against  
13 Defendants, in addition to other remedies, for violations of the California Labor Code.

14 11. The foregoing list of misconduct is a partial list only, and set forth by way of  
15 example.

16 **FIRST CAUSE OF ACTION**  
17 **PRIVATE ATTORNEYS GENERAL ACT**  
18 **(Lab. Code, § 2698 *et seq.*)**  
**Against Defendants**

19 12. Plaintiff hereby realleges and incorporates by reference each and every allegation  
20 set forth above as though fully set forth herein, except as said paragraphs are inconsistent with the  
21 allegations of this cause of action.

22 13. Pursuant to Labor Code section 2699, subdivision (a), any provision of the Labor  
23 Code which provides for a civil penalty to be assessed and collected by the LWDA for violations  
24 of the Labor Code may, as an alternative, be recovered through a civil action brought by an  
25 aggrieved employee on behalf of himself or herself and other current or former employees pursuant  
26 to the procedures outlined in Labor Code section 2699.3.

14. Plaintiff was employed by Defendants and the alleged violations were committed against him during his time of employment. Plaintiff is therefore an aggrieved employee as defined by Labor Code section 2699, subdivision (c). Other current and former employees are also aggrieved employees in that one or more of the alleged violations were also committed against them during their time of employment with Defendants.

15. Pursuant to Labor Code section 2699, subdivision (f), the civil penalty recoverable in a PAGA action is that which is provided for by the Labor Code or, where no civil penalty is specifically provided, one hundred dollars (\$100) for each aggrieved employee per pay period for the initial violation and two hundred dollars (\$200) for each aggrieved employee per pay period for each subsequent violation.

16. Pursuant to California Labor Code section 2699, subdivision (g), an aggrieved employee may recover the civil penalty on behalf of himself or herself and other current or former employees against whom one or more of the alleged violations was committed. Furthermore, any employee who prevails in any such action shall be entitled to an award of reasonable attorney's fees and costs.

17. Wherefore, Plaintiff and other employees (current and former) have been aggrieved as set forth above and request relief as hereafter provided.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays judgment against Defendants as follows:

1. For civil penalties, including but not limited to those available under Labor Code sections 226.3 and 2699(f);
2. For injunctive relief;
3. For statutory attorneys' fees and costs, including but not limited to those available under Labor Code section 2699(g);
4. For prejudgment and post-judgment interest according to any applicable provision of law or as otherwise permitted by law, including those available under Civil Code sections 3287(a) and 3289(b); and

1        5.        For such other and further relief as the court deems just and proper.

2        ///

3        **DATED:** February 12, 2021

**MAYALL HURLEY P.C.**

4        By \_\_\_\_\_



WILLIAM J. GORHAM

JOHN P. BRISCOE

Attorneys for Plaintiff

DANIEL SERNA

# Exhibit 1

ment  
64037  
100.40  
100.40

YTD  
2.46  
0.50  
0.00  
0.89  
5.00  
1.83  
1.00  
1.00  
0.00  
0.68

int

# DANIEL Juan Dedios SERNA

Employee ID  
Location  
Hourly

SERDAN  
10-100  
\$25.00

Fed Taxable Income  
Fed Filing Status  
State Filing Status

3,287.52  
S-20  
H-20

Check Date April 6, 2018  
Period Beginning March 19, 2018  
Period Ending April 1, 2018

Check Number 64598  
Net Pay 2,224.02  
Check Amount 2,224.02

## Earnings Statement

| Earnings       | Rate  | Hours  | Amount   | YTD       |
|----------------|-------|--------|----------|-----------|
| Employer C     |       | 0.00   | 349.61   | 2,447.27  |
| HOLIDAY        |       |        |          | 600.00    |
| NIGHT RE       | 1.00  | 134.77 | 134.77   | 705.98    |
| REGULAR        | 25.00 | 134.77 | 3,369.25 | 17,049.50 |
| Gross Earnings |       | 269.54 | 3,504.02 | 18,355.48 |

| Taxes   | Amount | YTD      |
|---------|--------|----------|
| CA      | 31.29  | 90.64    |
| CASDI-E | 32.88  | 168.40   |
| FITW    | 0.00   | 370.52   |
| MED     | 47.67  | 244.18   |
| SS      | 203.83 | 1,044.08 |
| Taxes   | 315.67 | 1,917.82 |

| Deductions       | Amount | YTD      |
|------------------|--------|----------|
| CHILD SUPT - EFT | 342.46 | 2,397.22 |
| DENTAL INS       | 10.50  | 73.50    |
| GARN FEE         | 10.00  | 70.00    |
| GARNISHMENT I    | 398.54 | 2,054.72 |
| INSURE           | 205.00 | 1,435.00 |
| LIFE - CHILD     | 0.83   | 5.81     |
| LIFE - EMPLOYEE  | 6.00   | 42.00    |
| TELEPHONE        | -10.00 | -70.00   |
| VISION           | 1.00   | 7.00     |
| Deductions       | 964.33 | 6,015.25 |

| Direct Deposits Type | Account | Amount |
|----------------------|---------|--------|
|----------------------|---------|--------|

No Direct Deposits

| Time Off | Used | Availabl | Used\$ |
|----------|------|----------|--------|
| CALIFOR  | 0.00 | 24.00    |        |

# **Exhibit 2**

LAW OFFICES  
**MAYALL HURLEY**

A PROFESSIONAL CORPORATION

SOUTHERN CALIFORNIA OFFICE  
450 N. BRAND BLVD., SUITE 600  
GLENDALE, CALIFORNIA 91203  
(818) 646-6440

MAILING ADDRESS:  
2453 GRAND CANAL BLVD.  
STOCKTON, CALIFORNIA 95207

2453 GRAND CANAL BOULEVARD  
STOCKTON, CALIFORNIA 95207-8253  
FAX (209) 473-4818  
TELEPHONE (209) 477-3833  
WWW.MAYALLLAW.COM

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ROBERT J. WASSERMAN  
JENNY D. BAYSINGER  
JOHN P. BRISCOE  
VLADIMIR J. KOZINA  
RACHAEL ALLGAIER

OF COUNSEL  
J. ANTHONY ABBOTT

December 7, 2020

**SUBMITTED ELECTRONICALLY**

Labor and Workforce Development Agency  
Attn: PAGA Administrator  
1515 Clay Street, Suite 801  
Oakland, California 94612

**SENT VIA CERTIFIED MAIL**

Williams Tank Lines  
1477 Tillie Lewis Dr.  
Stockton, CA 95206

Re: Daniel Serna

To whom it may concern:

This firm represents Daniel Serna ("Serna") in relation to his former employment with Williams Tank Lines ("WTL"). In accordance with California Labor Code section 2699.3, this letter shall serve as Mr. Serna's written notice to the Labor and Workforce Development Agency ("LWDA") and WTL regarding the following violations, and facts and theories supporting those violations, on Serna's behalf and, as a proxy for the LWDA, on behalf of current and other former California employees of WTL.

Serna was hired by WTL in or around July 2015, as a truck driver. Serna's employment with WTL was based out of its terminal in Bakersfield, California. Serna resigned his employment on or around June 26, 2019.

During his employment with WTL, Serna was furnished with itemized wage statements that failed to show the last four digits of the employee's social security number, or an employee identification number other than the employee's social security number. (**Exhibit A.**) Accordingly, WTL violated Labor Code section 226, subdivision (a)(7). These violations were committed as against current and other former California employees of WTL, and within the last year.

Labor and Workforce Development Agency  
Williams Tank Lines  
Re: Daniel Serna  
December 7, 2020  
Page 2 of 2

If the LWDA believes that it needs additional information to determine whether to investigate these claims, please contact me immediately to request the additional information, which I will provide to the extent it is available to me or my client.

If the LWDA does not intend to investigate these violations, Mr. Serna intends to file a civil complaint against WTL pursuant to the Labor Code Private Attorneys General Act of 2004 (Labor Code, § 2698 *et seq.*), on his behalf and, as a proxy for the LWDA, on behalf of all aggrieved current and former employees. Thank you for your attention in this matter.

Sincerely,

MAYALL HURLEY P.C.

By

A handwritten signature in blue ink, appearing to read "John P. Briscoe", is written over a horizontal line.

JOHN P. BRISCOE

Enclosure

# Exhibit A

ment  
64037  
100.40  
100.40

YTD  
2.46  
0.50  
0.00  
0.89  
5.00  
1.83  
1.00  
1.00  
0.00  
0.68

int

# DANIEL Juan Dedios SERNA

Employee ID  
Location  
Hourly

SERDAN  
10-100  
\$25.00

Fed Taxable Income  
Fed Filing Status  
State Filing Status

3,287.52  
S-20  
H-20

Check Date April 6, 2018  
Period Beginning March 19, 2018  
Period Ending April 1, 2018

## Earnings Statement

Check Number 64598  
Net Pay 2,224.02  
Check Amount 2,224.02

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|----------------|-------|--------|----------|-----------|
| Employer C     |       | 0.00   | 349.61   | 2,447.27  |
| HOLIDAY        |       |        |          | 600.00    |
| NIGHT RE       | 1.00  | 134.77 | 134.77   | 705.98    |
| REGULAR        | 25.00 | 134.77 | 3,369.25 | 17,049.50 |
| Gross Earnings |       | 269.54 | 3,504.02 | 18,355.48 |

| Taxes   | Amount | YTD      |
|---------|--------|----------|
| CA      | 31.29  | 90.64    |
| CASDI-E | 32.88  | 168.40   |
| FITW    | 0.00   | 370.52   |
| MED     | 47.67  | 244.18   |
| SS      | 203.83 | 1,044.08 |
| Taxes   | 315.67 | 1,917.82 |

| Deductions       | Amount | YTD      |
|------------------|--------|----------|
| CHILD SUPT - EFT | 342.46 | 2,397.22 |
| DENTAL INS       | 10.50  | 73.50    |
| GARN FEE         | 10.00  | 70.00    |
| GARNISHMENT I    | 398.54 | 2,054.72 |
| INSURE           | 205.00 | 1,435.00 |
| LIFE - CHILD     | 0.83   | 5.81     |
| LIFE - EMPLOYEE  | 6.00   | 42.00    |
| TELEPHONE        | -10.00 | -70.00   |
| VISION           | 1.00   | 7.00     |
| Deductions       | 964.33 | 6,015.25 |

| Direct Deposits Type | Account | Amount |
|----------------------|---------|--------|
|----------------------|---------|--------|

No Direct Deposits

| Time Off | Used | Availabl | Used\$ |
|----------|------|----------|--------|
| CALIFOR  | 0.00 | 24.00    |        |

# WILLIAMS TANK LINES

DANIEL Juan Dedios SERNA

Employee ID SERDAN  
 Location 10-100  
 Hourly \$25.00

Fed Taxable Income  
 Fed Filing Status  
 State Filing Status

2,693.42  
 S-3  
 H-3

Check Date January 12, 2018  
 Period Beginning December 25, 2017  
 Period Ending January 7, 2018

## Earnings Statement

Check Number 64037  
 Net Pay 1,400.40  
 Check Amount 1,400.40

| Earnings       | Rate  | Hours  | Amount   | YTD      |
|----------------|-------|--------|----------|----------|
| Employer C     |       | 0.00   | 349.61   | 349.61   |
| HOLIDAY        | 25.00 | 16.00  | 400.00   | 400.00   |
| NIGHT RE       | 1.00  | 111.92 | 111.92   | 111.92   |
| REGULAR        | 25.00 | 95.92  | 2,398.00 | 2,398.00 |
| Gross Earnings |       | 223.84 | 2,909.92 | 2,909.92 |

| Taxes   | Amount | YTD    |
|---------|--------|--------|
| CA      | 59.35  | 59.35  |
| CASDI-E | 26.93  | 26.93  |
| FITW    | 370.52 | 370.52 |
| MED     | 39.05  | 39.05  |
| SS      | 166.99 | 166.99 |
| Taxes   | 662.84 | 662.84 |

| Deductions       | Amount | YTD    |
|------------------|--------|--------|
| CHILD SUPT - EFT | 342.46 | 342.46 |
| DENTAL INS       | 10.50  | 10.50  |
| GARN FEE         | 10.00  | 10.00  |
| GARNISHMENT 1    | 280.89 | 280.89 |
| INSURE           | 205.00 | 205.00 |
| LIFE - CHILD     | 0.83   | 0.83   |
| LIFE - EMPLOYEE  | 6.00   | 6.00   |
| TELEPHONE        | -10.00 | -10.00 |
| VISION           | 1.00   | 1.00   |
| Deductions       | 846.68 | 846.68 |

| Direct Deposits Type | Account | Amount |
|----------------------|---------|--------|
|----------------------|---------|--------|

No Direct Deposits

| Time Off | Used | Availabl |
|----------|------|----------|
| CALIFOR  | 0.00 | 24.00    |