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FILED

Superior Court of California
County of Riverside

4/2/2021

V. Lupercio

Electronically Filed

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

SAMIHA ZAGHLOUL, as an individual
and on behalf of all others similarly
situated,

Plaintiffs,

vs.

KPC GLOBAL MEDICAL CENTERS,
INC., a California corporation; and
DOES 1 through 50, inclusive,

Defendants.

Case No.: CVRI2100715

**FIRST AMENDED REPRESENTATIVE
ACTION COMPLAINT FOR DAMAGES FOR:**

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

DEMAND OVER \$25,000.00

1 Plaintiff Samiha Zaghloul (“Plaintiff”) hereby submits this First Amended Representative
2 Action Complaint (“Complaint”) against Defendant KPC Global Medical Centers, Inc.
3 (“Defendant”) and Does 1 through 50 (hereinafter collectively referred to as “Defendants”), on
4 behalf of herself and other aggrieved employees of Defendant for penalties under the Private
5 Attorneys General Act of 2004 (the “PAGA”), codified at California Labor Code section 2698 *et*
6 *seq.*, for violations of the California Labor Code, including without limitation, failure to provide
7 accurate itemized wage statements, as follows::

8 **INTRODUCTION**

9 1. This representative action is within the Court’s jurisdiction under California
10 Labor Code sections 226 and 2698 *et seq.*

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

13 3. Plaintiff is informed and believes, and based thereon alleges, that Defendants,
14 jointly and severally, have acted intentionally and with deliberate indifference and conscious
15 disregard to the rights of all employees in Defendants’ failure to provide accurate itemized wage
16 statements to Plaintiff and Aggrieved Employees.

17 4. Plaintiff is informed and believes, and based thereon alleges, that Defendants
18 have engaged in, among other things a system of willful violations of the California Labor Code
19 by creating and maintaining policies, practices and customs that knowingly deny employees the
20 above stated rights and benefits.

21 **JURISDICTION AND VENUE**

22 5. This Court has jurisdiction over the violations of California Labor Code sections
23 226 and 2698 *et seq.*

24 6. Venue is proper in Riverside County because Defendant provides services in
25 Riverside County, and Plaintiff is currently employed by Defendant in Riverside County.

26 //

PARTIES

7. Plaintiff began working for Defendant on or about April 2007. Throughout her employment with Defendant, Plaintiff has been a non-exempt, hourly employee.

8. Plaintiff was and is the victim of the policies, practices, and customs of Defendant complained of in this action in ways that have deprived her of the rights guaranteed by California Labor Code sections 226 and 2698 *et seq.*

9. Plaintiff is informed and believes, and based thereon alleges, that KPC Global Medical Centers, Inc. is a California corporation that operates throughout California, including in Riverside, California.

10. Plaintiff is informed and believes, and based thereon alleges, that at all times herein mentioned Defendants are and were business entities, individuals, and partnerships, licensed to do business and actually doing business in the State of California. As such, and based upon all the facts and circumstances incident to Defendants' business, Defendants are subject to the California Labor Code.

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

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

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

FIRST CAUSE OF ACTION

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

**(BY PLAINTIFF, ON BEHALF OF THE STATE AND AGGRIEVED EMPLOYEES,
AGAINST ALL DEFENDANTS)**

16. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 15 as though fully set forth herein.

17. Plaintiff brings this cause of action as a proxy for the State of California and in this capacity, seeks penalties on behalf of all Aggrieved Employees from August 10, 2019, through the present, for Defendant's policy and practice of failing to provide proper wage

1 statements in violation of Labor Code section 226(a).

2 18. Plaintiff and Aggrieved Employees were paid on an hourly basis. As such, the
3 wage statements provided to them should have reflected all applicable hourly rates in effect
4 during the pay period. The wage statements provided to Plaintiff and other Aggrieved Employees
5 failed to accurately identify such information. More specifically, whenever shift differentials
6 were paid, the corresponding wage statement showed only the total shift differential wages paid
7 and did not indicate either the shift differential rate of pay or the total hours for which the shift
8 differential was paid.

9 19. On or about January 21, 2021, Plaintiff sent written notice to the California Labor
10 & Workforce Development Agency ("LWDA") of Defendant's violations of Labor Code section
11 226(a), pursuant to Labor Code section 2698, *et seq.*, the Private Attorney General Act
12 ("PAGA"). More than 65 calendar days have elapsed since Plaintiff gave notice to the LWDA.
13 To date, the LWDA has not responded to Plaintiff's written notice.

14 20. As such, pursuant to Labor Code section 2699(a), Plaintiff seeks recovery of any
15 and all applicable civil penalties for Defendant's violation of Labor Code section 226(a) for the
16 time period described above, on behalf of herself and other Aggrieved Employees.

17 **PRAYER FOR RELIEF**

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

20 1. Upon the First Cause of Action, for civil penalties according to proof pursuant to
21 Labor Code sections 226.3 and 2698, *et seq.*, and for costs and attorneys' fees;

22 2. On all causes of action for attorneys' fees and costs as provided by California
23 Labor Code section 2699, and Code of Civil Procedure section 1021.5; and

24 3. For such other and further relief the Court may deem just and proper.
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1 DATED: April 2, 2021

DIVERSITY LAW GROUP, P.C.

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3 By: _____

Larry W. Lee

Kristen M. Agnew

Nicholas Rosenthal

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5 Attorneys for Plaintiff and Aggrieved Employees
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1 **PROOF OF SERVICE**

2 **(Code of Civil Procedure Sections 1013a, 2015.5)**

3
4 STATE OF CALIFORNIA]
5]ss.
6 COUNTY OF LOS ANGELES]

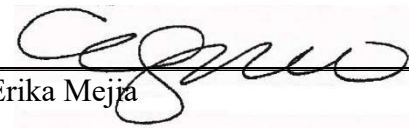
7 I am employed in the County of Los Angeles, State of California. I am over the age of
8 18 and not a party to the within action; my business address is 515 S. Figueroa Street, Suite
9 1250, Los Angeles, California 90071.

10 On April 2, 2021, I served the following document(s) described as: **FIRST**
11 **AMENDED REPRESENTATIVE ACTION COMPLAINT FOR DAMAGES** on the
12 interested parties in this action as follows:

13 David E. Amaya
14 damaya@fisherphillips.com
15 Jason A. Fischbein
16 jfischbein@fisherphillips.com
17 Brittany M. Wunderlich
18 bwunderlich@fisherphillips.com
19 Fisher & Phillips LLP
20 4747 Executive Drive, Suite 1000
21 San Diego, California 92121
22 *Attorneys for Defendant KPC Global Medical Centers, Inc.*

23 X BY MAIL: by placing _____ the original or X a true and correct
24 copy thereof enclosed, in (a) sealed envelope(s) addressed to the party(ies) listed above or on the
25 attached mailing list. I am readily familiar with the firm's practice for collection and processing
26 of correspondence and other materials for mailing with the United States Postal Service. On this
27 date, I sealed the envelope(s) containing the above materials and placed the envelope(s) for
28 collection and mailing on this date at the address above following our office's ordinary business
practices. The envelope(s) will be deposited with the United States Postal Service on this date,
in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the
above is true and correct. Executed on April 2, 2021, at Los Angeles, California.

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26 
27 Erika Mejia
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