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13 *Attorneys for Plaintiff, on behalf of the State*
14 *of California and Aggrieved Employees*

15 **SUPERIOR COURT OF CALIFORNIA**
16 **COUNTY OF SAN JOAQUIN**

17 LAIA GLENN, on behalf of the State of
18 California and Aggrieved Employees,

19 Plaintiff,

20 vs.

21 RESCARE WORKFORCE SERVICES;
22 RESCARE, INC.; BRIGHTSPRING
23 HEALTH SERVICES; EQUUS
24 WORKFORCE SOLUTIONS; RESCARE
25 HOMECARE; RESCARE
26 RESIDENTIAL SERVICES; RESCARE
27 CALIFORNIA, INC.; and DOES 1
28 through 100, inclusive,

Defendant(s),

FILED

2024 APR 22 AM 11:26

STEPHANIE BOHRER, CLERK
DANIELLE JEANDEBIEN

BY _____
DEPUTY

Case No.

STK-CV-UOE -2024- 4852

**COMPLAINT FOR PENALTIES
PURSUANT TO SECTIONS 2699(a) AND (f)
OF THE CALIFORNIA LABOR CODE
PRIVATE ATTORNEYS GENERAL ACT**

DEMAND FOR JURY TRIAL

COMPLAINT FOR PENALTIES PURSUANT TO SECTIONS 2699(a) AND (f) OF THE CALIFORNIA LABOR
CODE PRIVATE ATTORNEYS GENERAL ACT AND DEMAND FOR JURY TRIAL

Glenn v. ResCare, Inc., et al.

FILE BY FAX

1 Plaintiff Laia Glenn (“Plaintiff”), on behalf of the State of California and Aggrieved
2 Employees, complains and alleges as follows:

3 **INTRODUCTION**

4 1. Plaintiff brings this enforcement action against ResCare Workforce Services;
5 ResCare, Inc.; BrightSpring Health Services; Equus Workforce Solutions; ResCare Homecare;
6 ResCare Residential Services; and ResCare California, Inc. (collectively “Defendants”), on behalf
7 of the State of California and the Aggrieved Employees to collect statutory penalties as a result of
8 Defendant’s systematic violations of California labor law with respect to Defendant’s non-exempt,
9 hourly workers employed in the State of California (“Aggrieved Employees”).

10 2. Plaintiff and Aggrieved Employees are current and former non-exempt, hourly
11 workers who have worked for Defendant in California.¹

12 3. This action stems from Defendants’ policies and practices of: (1) failing to
13 compensate Plaintiff and Aggrieved Employees for all hours worked; (2) failing to pay Plaintiff and
14 Aggrieved Employees minimum wage for all hours worked; (3) failing to pay Plaintiff and
15 Aggrieved Employees overtime wages; (4) failing to authorize and permit Plaintiff and Aggrieved
16 Employees to take meal periods to which they are entitled by law, and failing to pay premium
17 compensation for missed meal periods; (5) failing to authorize and permit Plaintiff and Aggrieved
18 Employees to take rest periods to which they are entitled by law, and failing to pay premium
19 compensation for missed rest periods; (6) failing to provide Plaintiff and Aggrieved Employees true
20 and accurate itemized wage statements; (7) failing to reimburse Plaintiff and Aggrieved Employees
21 for necessary business expenses; and (8) failing to timely pay Aggrieved Employees full wages
22 during employment and upon separation from employment.

23 4. Plaintiff, on behalf of the State of California, seeks to recover penalties and
24 reasonable attorneys’ fees for these violations pursuant to Sections 2699(a) and (f) of the California
25 Labor Code Private Attorneys General Act (“PAGA”).

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27
28 ¹ Although Plaintiff is a former employee, the Aggrieved Employees include current and former employees. For ease of discussion, the allegations herein are made in the present tense.

PARTIES

5. Plaintiff Laia Glenn is an individual over the age of eighteen, and at all times mentioned in this Complaint was a resident of the State of California.

6. Plaintiff was employed by Defendants as an hourly, non-exempt caregiver from approximately January 2017 to August 16, 2019. Plaintiff worked for Defendant in Stockton, California.

7. The Aggrieved Employees are all current and former non-exempt, hourly employees who work for Defendant as caregivers, direct care professionals, nurses, direct service providers, case managers, housing navigators, residential care coordinators, business services consultants, program coordinators, program assistants, business coordinators, clerks, customer service representatives, and other positions with similar job duties in California, and other employees with similar job duties in the State of California.

8. Plaintiff is informed, believes, and thereon alleges that ResCare Workforce Services does business in California and employs and employed hourly, non-exempt employees, including Plaintiff and Aggrieved Employees in California

9. Plaintiff is informed, believes, and thereon alleges that ResCare, Inc. is a Kentucky corporation headquartered in Louisville, Kentucky. ResCare, Inc. does business in California and employs and employed hourly, non-exempt employees, including Plaintiff and Aggrieved Employees in California.

10. Plaintiff is informed, believes, and thereon alleges that BrightSpring Health Services does business in California and employs and employed hourly, non-exempt employees, including Plaintiff and Aggrieved Employees in California.

11. Plaintiff is informed, believes, and thereon alleges that Equus Workforce Solutions does business in California and employs and employed hourly, non-exempt employees, including Plaintiff and Aggrieved Employees in California, and is a business name of ResCare Workforce Services.

12. Plaintiff is informed, believes, and thereon alleges that ResCare Homecare is the business name of RSCR California, Inc. and Southern Home Care Services, Inc., which is are

1 Delaware corporations headquartered in Louisville, Kentucky. RSCR California, Inc. and Southern
2 Home Care Services, Inc. are registered to do business in California, do business in California and
3 employs and employed hourly, non-exempt employees, including Plaintiff and Aggrieved
4 Employees in California.

5 13. Plaintiff is informed, believes, and thereon alleges that ResCare Residential Services
6 does business in California and employs and employed hourly, non-exempt employees, including
7 Plaintiff and Aggrieved Employees in California.

8 14. Plaintiff is informed, believes, and thereon alleges that ResCare California, Inc. does
9 business in California and employs and employed hourly, non-exempt employees, including
10 Plaintiff and Aggrieved Employees in California.

11 15. Defendants employ and/or employed Plaintiff and Aggrieved Employees because
12 Defendants, directly or indirectly, control the employment terms, pay practices, timekeeping
13 practices, and daily work of Plaintiff and Aggrieved Employees.

14 16. Plaintiff is informed, believes, and thereon alleges that each and every one of the acts
15 and omissions alleged herein were performed by, and/or attributable to, Defendants, and that said
16 acts and failures to act were within the course and scope of said agency, employment and/or
17 direction and control.

18 17. Plaintiff is informed, believes, and thereon alleges that Defendants are the agents,
19 partners, joint venturers, joint employers, representatives, servants, employees, co-conspirators and
20 assigns, each of the other, and at all times relevant hereto have acted within the course and scope of
21 their authority as such agents, partners, joint venturers, representatives, servants, employees, co-
22 conspirators and/or assigns, and all acts or omissions alleged herein have been duly committed with
23 the ratification, knowledge, permission, encouragement, authorization and/or consent of each
24 defendant.

25 18. At all material times, Defendants have done business under the laws of California,
26 have had places of business in California, including in this County, and have employed Aggrieved
27 Employees in this County and elsewhere throughout California. Defendants are “persons” as
28 defined in Cal. Lab. Code § 18 and “employers” as that term is used in the Labor Code and the IWC

1 Wage Orders regulating wages, hours, and working conditions.

2 **JURISDICTION AND VENUE**

3 19. Venue is proper in this County pursuant to Cal. Code Civ. Proc. §§ 393(a) and/or
4 395.5. Defendants conduct business and employ Aggrieved Employees in this County, and therefore
5 the liability and the cause or some part of the cause arose in this County.

6 20. This Court has jurisdiction over Plaintiff's claims for penalties pursuant to the PAGA.
7 The Court also has jurisdiction over Defendants because they are authorized to do business in the
8 State of California, and because Defendants do in fact do business and employ workers in the State
9 of California.

10 **FACTUAL ALLEGATIONS**

11 21. Plaintiff worked for Defendant as a caregiver. Plaintiff was employed from
12 approximately January 2017 to approximately August 16, 2019, in Stockton, California.

13 22. Plaintiff's primary duties included but were not limited to providing personal care
14 needs such as bathing, dressing, grooming, providing transportation, preparing meals, and
15 housekeeping for individuals with mental and physical disabilities.

16 23. Plaintiff was classified as an hourly, non-exempt employee and was paid an hourly
17 rate of \$12.50.

18 24. Defendants employ and have employed hundreds, if not thousands, of hourly, non-
19 exempt workers similar to Plaintiff in California, including but not limited to caregivers, direct care
20 professionals, nurses, direct service providers, case managers, housing navigators, residential care
21 coordinators, business services consultants, program coordinators, program assistants, business
22 coordinators, clerks, customer service representatives, and other positions with similar job duties in
23 California, and other employees with similar job duties.

24 25. Defendants employ Aggrieved Employees in a similar manner throughout California,
25 including in this County, and Aggrieved Employees perform work materially similar to Plaintiff.
26 Defendant pays Aggrieved Employees, including Plaintiff, on an hourly rate basis.

27 26. Plaintiff is informed, believes, and thereon alleges that the policies and practices of
28 Defendants have at all relevant times been similar for Plaintiff and Aggrieved Employees, regardless

1 of job title, facility, or location in California.

2 27. Aggrieved Employees are required to follow and abide by common work, time, and
3 pay policies and procedures in the performance of their jobs and duties.

4 28. At the end of each pay period, Aggrieved Employees receive wages from Defendants
5 that are determined by common systems and methods that Defendants select and control.

6 29. Defendants regularly fail to provide Plaintiff and Aggrieved Employees compliant
7 meal and rest periods. Defendants' policies, practices, and procedures require Plaintiff and
8 Aggrieved Employees to routinely skip their meal and rest periods, yet do not provide them with
9 requisite premium payments for missed meal and rest periods.

10 30. Plaintiff and Aggrieved Employees are routinely denied compliant meal periods for
11 at least three reasons: (1) Defendants do not provide an adequate number of staff so that Plaintiff
12 and Aggrieved Employees can get relief from their duties to take meal periods; (2) Defendants
13 require Plaintiff and Aggrieved Employees to remain on duty during their meal periods and to be
14 available to assist clients; and (3) Plaintiff and Aggrieved Employees are often too busy attempting
15 to complete the work assigned to them by Defendants to have time to take bona fide meal periods.

16 31. When Plaintiff and Aggrieved Employees do attempt to take a meal period, they are
17 not provided duty-free, uninterrupted, and timely thirty-minute meal periods during which they
18 should be completely relieved of any duty, by the end of the fifth hour of work. When Plaintiff did
19 take a meal period, it was interrupted, untimely, and/or short, *i.e.*, she was constantly pulled from
20 her off-duty meal period to assist with a client, her meal periods were after her fifth hour of work,
21 or they were less than 30 minutes.

22 32. Additionally, Plaintiff and Aggrieved Employees are routinely denied compliant rest
23 periods. Much like the reasons that Plaintiff and Aggrieved Employees are denied compliant meal
24 periods, Plaintiff and Aggrieved Employees do not receive compliant rest periods because they are
25 too busy to find the time for rest periods, Defendants are too understaffed for Plaintiff and Aggrieved
26 Employees to be relieved from their duties, and Defendants require that Plaintiff and Aggrieved
27 Employees cut their rest periods short to assist with clients or complete further work tasks.

28 33. Plaintiff is informed, believes, and thereon alleges that Defendants utilize and apply

1 these meal and rest period policies and practices across all Defendants' facilities throughout
2 California and across all Aggrieved Employee job titles.

3 34. Further, Defendants maintains a policy and/or practice of failing to properly
4 compensate Plaintiff and the Aggrieved Employees for work related tasks performed while "off-
5 the-clock." As mentioned above, Defendants require Plaintiff and Aggrieved Employees to clock
6 out for thirty-minute meal periods even though they are on-call, and they continue to work. This
7 policy results in Plaintiff and Aggrieved Employees working up to 30 minutes of unpaid, off-the-
8 clock work every shift. Additionally, Defendants refuse to authorize Aggrieved Employees to work
9 overtime hours, but still require Aggrieved Employees to finish their immense daily workload,
10 which forces Aggrieved Employees to complete their assignments off-the-clock outside of their
11 scheduled shifts or face repercussions. Defendants' policies cause Plaintiff and Aggrieved
12 Employees to work hours every week for the benefit of Defendants off-the-clock that goes
13 unrecorded and therefore uncompensated.

14 35. Throughout the relevant time period, Plaintiff and Aggrieved Employees have been
15 denied proper payment for all hours worked, including overtime and minimum wages, for the time
16 spent working off-the-clock. For instance, Plaintiff and Aggrieved Employees do not receive
17 overtime compensation for time spent working off-the-clock outside of their scheduled shifts and
18 during noncompliant meal periods when the hours worked are in excess of eight hours per day and
19 forty hours per week. However, Defendants fail to pay for any of this work time, including the
20 required overtime premiums, in violation of the Cal. Lab. Code.

21 36. As a result of these policies and/or practices, Plaintiff and Aggrieved Employees are
22 denied compensation for all hours worked, including minimum wages and overtime.

23 37. Plaintiff is informed, believes, and thereon alleges that Defendants utilizes the same
24 or substantially similar timekeeping mechanisms throughout all their facilities in California.

25 38. Defendants' common course of wage-and-hour abuse includes routinely failing to
26 maintain true and accurate records of the hours worked by Plaintiff and Aggrieved Employees.
27 Defendants fail to record hours that Plaintiff and Aggrieved Employees work off-the-clock, as well
28 as non-compliant meal and rest periods.

1 39. Defendants' failure to record all hours worked results in Defendants' failure to
2 provide Plaintiff and Aggrieved Employees with itemized and accurate wage statement as required
3 by California law. Plaintiff and Aggrieved Employees receive wage statements that do not reflect
4 all hours worked, including overtime and premiums for non-compliant meal and rest periods.

5 40. Defendants also fail to provide Plaintiff and Aggrieved Employees reimbursement
6 for all necessary expenditures or losses incurred by Plaintiff and Aggrieved Employees in direct
7 consequence of the discharge of their duties, or as a result of their obedience to the directions of
8 Defendants. Defendants regularly require Plaintiff and Aggrieved Employees to pay out-of-pocket
9 expenses necessary to perform their daily work assignments. For example, Plaintiff was required
10 to use her personal cell phone to clock in and out of Defendants' timekeeping system. Plaintiff also
11 used her personal cell phone to communicate with clients and supervisors regarding her work-
12 related duties.

13 41. Further, Defendants do not provide Plaintiff and Aggrieved Employees who are
14 former employees of Defendants with full and timely payment of all wages owed upon separation
15 from employment. At the time their employment ends, Plaintiff and Aggrieved Employees are owed
16 wages for all time worked, overtime, and missed meal and rest periods, whether their termination
17 was voluntary or involuntary; yet Defendants have failed to provide Plaintiff and Aggrieved
18 Employees with such payments within the required time period. As a result, and pursuant to the Cal.
19 Lab. Code, Defendants are subject to waiting time penalties.

20 42. Plaintiff is informed, believes, and thereon alleges that Defendants are well aware
21 that their policies and practices deprive Plaintiff and Aggrieved Employees of substantial pay for
22 all time worked, including overtime compensation and minimum wages, and that their workers do
23 not receive legally compliant meal and rest periods. Thus, Defendants' denial of wages, compliant
24 meal and rest periods, and premium payments is and/or was deliberate and willful.

25 43. Plaintiff is informed, believes, and thereon alleges that Defendants' unlawful conduct
26 has been widespread, repeated, and consistent as to Aggrieved Employees throughout California.

27 44. Defendants' conduct is willful, carried out in bad faith, and triggers significant civil
28 penalties in an amount to be determined at trial.

1 **FIRST CAUSE OF ACTION**

2 **Penalties Pursuant to Cal. Lab. Code § 2699(f)**
3 **for Violations of Cal. Lab. Code §§ 204, 1194, and 1198**
4 **(Failure to Pay for all Hours Worked)**

5 45. Plaintiff realleges and incorporates the foregoing paragraphs as though fully set forth
6 herein.

7 46. Plaintiff alleges that Defendants willfully engages in a policy and practice of not
8 compensating Aggrieved Employees for all hours worked or spent in Defendants' control.
9 Defendants regularly require Aggrieved Employees to perform uncompensated off-the-clock work.

10 47. Cal. Lab. Code § 200 defines wages as "all amounts for labor performed by
11 employees of every description, whether the amount is fixed or ascertained by the standard of time,
12 task, piece, commission basis or method of calculation."

13 48. Cal. Lab. Code § 204(a) provides that "[a]ll wages ... earned by any person in any
14 employment are due and payable twice during each calendar month...."

15 49. Cal. Lab. Code § 1194(a) provides as follows:

16 Notwithstanding any agreement to work for a lesser wage, any employee receiving
17 less than the legal minimum wage or the legal overtime compensation applicable to
18 the employee is entitled to recover in a civil action the unpaid balance of the full
amount of this minimum wage or overtime compensation, including interest thereon,
reasonable attorneys' fees, and costs of suit.

19 50. Cal. Lab. Code § 1198 makes it unlawful for employers to employ employees under
20 conditions that violate the Wage Order.

21 51. The applicable IWC Wage Orders define hours worked as "the time during which an
22 employee is subject to the control of an employer, and includes all the time the employee is suffered
23 or permitted to work, whether or not required to do so."

24 52. In violation of California law, Defendants knowingly and willfully refuse to provide
25 Aggrieved Employees with compensation for all time worked. Defendants intentionally and
26 willfully require Plaintiff and Aggrieved Employees to perform tasks while off-the-clock outside of
27 their scheduled shifts and to remain on duty during their scheduled shifts, including during rest
28 periods and while clocked out for meal periods. Plaintiff and Aggrieved Employees are regularly

1 required to work off-the-clock, time which Defendants neither record nor compensates them for.
2 Defendants do not account for this off-the-clock work when compensating Plaintiff and Aggrieved
3 Employees, resulting in widespread under-compensation of Aggrieved Employees.

4 53. Therefore, Defendants committed, and continue to commit, the acts alleged herein
5 knowingly and willfully, and in conscious disregard of the Aggrieved Employees' rights.

6 54. Cal. Lab. Code § 2699(f)(2) provides a civil penalty of one hundred dollars (\$100)
7 for each Aggrieved Employee per pay period for the initial violation of a Labor Code provision that
8 does not provide a civil penalty if, at the time of the violation, the employer employs one or more
9 employees. Cal. Lab. Code § 2699(f)(2) provides a civil penalty of two hundred dollars (\$200) for
10 each Aggrieved Employee per pay period for each subsequent violation of a Labor Code provision
11 that does not provide a civil penalty if, at the time of the violation, the employer employs one or
12 more employees.

13 55. Plaintiff seeks to recover civil penalties from Defendants for their failure to pay for
14 all hours worked in violation of Cal. Lab. Code §§ 204, 1194, and 1198 throughout California on
15 behalf of herself, the State of California, and other Aggrieved Employees pursuant to Cal. Lab. Code
16 § 2699(f).

17 56. Plaintiff also seeks civil penalties pursuant to Cal. Lab. Code § 2699(a) for the
18 unlawful conduct alleged herein, on behalf of the State, other Aggrieved Employees, and herself,
19 for Defendants' violations of Labor Code provisions including but not limited to Cal. Lab. Code §
20 558(a).

21 57. On January 11, 2021, Plaintiff gave written notice to the LWDA and to Defendants
22 of her intent to pursue civil penalties for Defendants' failure to pay for all hours worked in violation
23 of Cal. Lab. Code §§ 204, 558(a), and 1194 pursuant to the PAGA. Over 65 days have passed since
24 Plaintiff provided the LWDA with notice, yet, Plaintiff has not received a response from the LWDA
25 or Defendants. Accordingly, pursuant to Cal. Lab. Code § 2699.3(2)(a), Plaintiff has satisfied the
26 administrative prerequisites to commence a PAGA action.

27 58. On March 17, 2021, Plaintiff Laia Glenn was amended into the Los Angeles County
28 Superior Court case *Mills v. ResCare Workforce Services, Inc.*, given case number 20STCV49771,

1 as a named plaintiff in that action. On April 19, 2024, the court in the *Mills* case struck the action
2 of Laia Glenn without prejudice to a subsequential independent filing.

3 59. Defendants are liable to Plaintiff, the State of California, and Aggrieved Employees
4 for the civil penalties set forth in this Complaint, with interest thereon. Plaintiff is also entitled to
5 an award of attorneys' fees and costs as set forth below.

6 60. Wherefore, Plaintiff requests relief as hereinafter provided.

7 **SECOND CAUSE OF ACTION**

8 **Penalties Pursuant to Cal. Lab. Code § 2699(f)**

9 **for Violations of Cal. Lab. Code §§ 1182.12, 1194, and 1197**

10 **(Failure to Pay Minimum Wage)**

11 61. Plaintiff realleges and incorporates the foregoing paragraphs as though fully set forth
12 herein.

13 62. During the applicable statutory period, Cal. Lab. Code §§ 1182.12 and 1197, and the
14 Minimum Wage Order were in full force and effect, and required that Defendant's hourly employees
15 receive the minimum wage for all hours worked irrespective of whether nominally paid on a piece
16 rate, or any other basis, at the rate of fourteen dollars (\$14.00) commencing January 1, 2021; and at
17 the rate of fifteen dollars (\$15.00) commencing January 1, 2022.

18 63. Cal. Lab. Code § 1194(a) provides as follows:

19 Notwithstanding any agreement to work for a lesser wage, any employee receiving
20 less than the legal minimum wage or the legal overtime compensation applicable to
21 the employee is entitled to recover in a civil action the unpaid balance of the full
amount of this minimum wage or overtime compensation, including interest thereon,
reasonable attorneys' fees, and costs of suit.

22 64. Cal. Lab. Code § 1198 makes it unlawful for employers to employ employees under
23 conditions that violate the Wage Orders.

24 65. Because of Defendants' policies and practices with regard to compensating Plaintiff
25 and Aggrieved Employees, Defendants have failed to pay minimum wages as required by law. For
26 instance, Plaintiff and the Aggrieved Employees frequently perform work off-the-clock and during
27 noncompliant meal periods for which they are compensated below the statutory minimum wage, as
28 determined by the IWC.

1 66. Cal. Lab. Code § 2699(f)(2) provides a civil penalty of one hundred dollars (\$100)
2 for each Aggrieved Employee per pay period for the initial violation of a Labor Code provision that
3 does not provide a civil penalty if, at the time of the violation, the employer employs one or more
4 employees. Cal. Lab. Code § 2699(f)(2) provides a civil penalty of two hundred dollars (\$200) for
5 each Aggrieved Employee per pay period for each subsequent violation of a Labor Code provision
6 that does not provide a civil penalty if, at the time of the violation, the employer employs one or
7 more employees.

8 67. Plaintiff seeks to recover civil penalties from Defendants for their failure to pay
9 minimum wages in violation of Cal. Lab. Code §§ 1182.12, 1194, and 1197 throughout California
10 on behalf of herself, the State of California, and other Aggrieved Employees pursuant to Cal. Lab.
11 Code § 2699(f).

12 68. On January 11, 2021, Plaintiff gave written notice to the LWDA and to Defendants
13 of her intent to pursue civil penalties for Defendants' failure to pay minimum wages in violation of
14 Cal. Lab. Code §§ 558(a) and 1194 pursuant to the PAGA. Over 65 days have passed since Plaintiff
15 provided the LWDA with notice, yet, Plaintiff has not received a response from the LWDA or
16 Defendants. Accordingly, pursuant to Cal. Lab. Code § 2699.3(2)(a), Plaintiff has satisfied the
17 administrative prerequisites to commence a PAGA action.

18 69. On March 17, 2021, Plaintiff Laia Glenn was amended into the Los Angeles County
19 Superior Court case *Mills v. ResCare Workforce Services, Inc.*, given case number 20STCV49771,
20 as a named plaintiff in that action. On April 19, 2024, the court in the *Mills* case struck the action
21 of Laia Glenn without prejudice to a subsequential independent filing.

22 70. Defendants are liable to Plaintiff, the State of California, and Aggrieved Employees
23 for the civil penalties set forth in this Complaint, with interest thereon. Plaintiff is also entitled to
24 an award of attorneys' fees and costs as set forth below.

25 71. Wherefore, Plaintiff requests relief as hereinafter provided.
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1 **THIRD CAUSE OF ACTION**

2 **Penalties Pursuant to Cal. Lab. Code § 2699(f)**
3 **for Violations of Cal. Lab. Code §§ 510 and 1194**
4 **(Failure to Pay Overtime Wages)**

5 72. Plaintiff realleges and incorporates the foregoing paragraphs as though fully set forth
6 herein.

7 73. Defendants do not properly compensate Aggrieved Employees with appropriate
8 overtime premiums, as required by California law. For instance, Plaintiff and Aggrieved Employees
9 do not receive overtime compensation for time spent working off-the-clock outside of their
10 scheduled shifts and during noncompliant meal periods when the hours worked are in excess of
11 eight (8) hours per day and forty (40) hours per week.

12 74. Cal. Lab. Code § 510(a) provides as follows:

13 Eight hours of labor constitutes a day's work. Any work in excess of eight hours in
14 one workday and any work in excess of 40 hours in any one workweek and the first
15 eight hours worked on the seventh day of work in any one workweek shall be
16 compensated at the rate of no less than one and one-half times the regular rate of pay
17 for an employee. Any work in excess of 12 hours in one day shall be compensated at
18 the rate of no less than twice the regular rate of pay for an employee.

17 75. Cal. Lab. Code § 1194(a) provides as follows:

18 Notwithstanding any agreement to work for a lesser wage, any employee receiving
19 less than the legal minimum wage or the legal overtime compensation applicable to
20 the employee is entitled to recover in a civil action the unpaid balance of the full
21 amount of this minimum wage or overtime compensation, including interest thereon,
22 reasonable attorneys' fees, and costs of suit.

21 76. Cal. Lab. Code § 200 defines wages as "all amounts of labor performed by employees
22 of every description, whether the amount is fixed or ascertained by the standard of time, task, piece,
23 commission basis or other method of calculation." All such wages are subject to California's
24 overtime requirements, including those set forth above.

25 77. Defendants' policies and practices of requiring Aggrieved Employees to perform
26 work off-the-clock are unlawful and result in overtime violations. As a result of these unlawful
27 policies and practices, Aggrieved Employees have worked overtime hours for Defendants without
28 being paid overtime premiums in violation of the Labor Code, the applicable IWC Wage Orders,

1 and other applicable law.

2 78. Defendants knowingly and willfully refuse to perform their obligations to compensate
3 Aggrieved Employees for all premium wages for overtime work.

4 79. Cal. Lab. Code § 2699(f)(2) provides a civil penalty of one hundred dollars (\$100)
5 for each Aggrieved Employee per pay period for the initial violation of a Labor Code provision that
6 does not provide a civil penalty if, at the time of the violation, the employer employs one or more
7 employees. Cal. Lab. Code § 2699(f)(2) provides a civil penalty of two hundred dollars (\$200) for
8 each Aggrieved Employee per pay period for each subsequent violation of a Labor Code provision
9 that does not provide a civil penalty if, at the time of the violation, the employer employs one or
10 more employees.

11 80. Plaintiff seeks to recover civil penalties from Defendants for their failure to pay
12 overtime wages in violation of Cal. Lab. Code §§ 510 and 1194 and the applicable wage orders
13 throughout California on behalf of herself, the State of California, and other Aggrieved Employees
14 pursuant to Cal. Lab. Code § 2699(f).

15 81. On January 11, 2021, Plaintiff gave written notice to the LWDA and to Defendants
16 of her intent to pursue civil penalties for Defendants' failure to pay overtime wages in violation of
17 Cal. Lab. Code §§ 510, 558(a), and 1194 pursuant to the PAGA. Over 65 days have passed since
18 Plaintiff provided the LWDA with notice, yet, Plaintiff has not received a response from the LWDA
19 or Defendants. Accordingly, pursuant to Cal. Lab. Code § 2699.3(2)(a), Plaintiff has satisfied the
20 administrative prerequisites to commence a PAGA action.

21 82. On March 17, 2021, Plaintiff Laia Glenn was amended into the Los Angeles County
22 Superior Court case *Mills v. ResCare Workforce Services, Inc.*, given case number 20STCV49771,
23 as a named plaintiff in that action. On April 19, 2024, the court in the *Mills* case struck the action
24 of Laia Glenn without prejudice to a subsequential independent filing.

25 83. Defendants are liable to Plaintiff, the State of California, and Aggrieved Employees
26 for the civil penalties set forth in this Complaint, with interest thereon. Plaintiff is also entitled to
27 an award of attorneys' fees and costs as set forth below.

28 84. Wherefore, Plaintiff requests relief as hereinafter provided.

1 **FOURTH CAUSE OF ACTION**

2 **Penalties Pursuant to Cal. Lab. Code § 2699(f)**

3 **for Violations of Cal. Lab. §§ 226.7 and 512**

4 **(Meal Periods)**

5 85. Plaintiff realleges and incorporates the foregoing paragraphs as though fully set forth
6 herein.

7 86. Cal. Lab. Code §§ 226.7 and 512 and the applicable Wage Orders requires Defendants
8 to authorize and permit meal periods to its employees. Cal. Lab. Code §§ 226.7 and 512 and the
9 applicable Wage Orders prohibit employers from employing an employee for more than five hours
10 without a meal period of not less than thirty minutes. Unless the employee is relieved of all duty
11 during the thirty-minute meal period, the employee is considered “on duty” and the meal period is
12 counted as time worked under the applicable Wage Orders.

13 87. Cal. Lab. Code § 512(a) provides:

14 An employer shall not employ an employee for a work period of more than five hours
15 per day without providing the employee with a meal period of not less than 30 minutes,
16 except that if the total work period per day of the employee is no more than six hours,
17 the meal period may be waived by mutual consent of both the employer and employee.
18 An employer shall not employ an employee for a work period of more than 10 hours
per day without providing the employee with a second meal period of not less than 30
minutes, except that if the total hours worked is no more than 12 hours, the second
meal period may be waived by mutual consent of the employer and the employee only
if the first meal period was not waived

19 88. Under Cal. Lab. Code § 226.7(b) and the applicable Wage Orders, an employer who
20 fails to authorize, permit, and/or make available a required meal period must, as compensation, pay
21 the employee one hour of pay at the employee’s regular rate of compensation for each workday that
22 the meal period was not authorized and permitted.

23 89. Despite these requirements, Defendants knowingly and willfully refuse to perform
24 their obligations to authorize and permit and/or make available to Plaintiff and Aggrieved
25 Employees the ability to take the off-duty meal periods to which they are entitled.

26 90. Plaintiff and Aggrieved Employees are routinely denied compliant meal periods for
27 at least three reasons: (1) Defendants do not provide an adequate number of staff so that Plaintiff
28 and Aggrieved Employees can get relief from their duties to take meal periods; (2) Defendants

1 require Plaintiff and Aggrieved Employees to remain on duty during their meal periods and to be
2 available to assist clients; and (3) Plaintiff and Aggrieved Employees are often too busy attempting
3 to complete the work assigned to them by Defendants to have time to take bona fide meal periods.
4 As such, Defendants do not provide Plaintiff and Aggrieved Employees with duty-free,
5 uninterrupted, and timely thirty-minute meal periods during which Plaintiff and Aggrieved
6 Employees should be completely relieved of any duty, by the end of the fifth hour of work. Plaintiff
7 is informed, believes, and thereon alleges that this policy and practice applies to all Aggrieved
8 Employees.

9 91. Defendants also fail to pay Plaintiff and Aggrieved Employees one hour of pay for
10 each off-duty meal period that they are denied. Defendants' conduct described herein violates Cal.
11 Lab. Code §§ 226.7 and 512.

12 92. On information and belief, Defendants' conduct has been substantially the same at all
13 relevant times and to all Aggrieved Employees throughout the state of California.

14 93. Cal. Lab. Code § 2699(f)(2) provides a civil penalty of one hundred dollars (\$100)
15 for each Aggrieved Employee per pay period for the initial violation of a Labor Code provision that
16 does not provide a civil penalty if, at the time of the violation, the employer employs one or more
17 employees. Cal. Lab. Code § 2699(f)(2) provides a civil penalty of two hundred dollars (\$200) for
18 each Aggrieved Employee per pay period for each subsequent violation of a Labor Code provision
19 that does not provide a civil penalty if, at the time of the violation, the employer employs one or
20 more employees.

21 94. Plaintiff seeks to recover civil penalties from Defendants for their violations of the
22 meal period requirements of Cal. Lab. Code §§ 226.7 and 512 throughout California on behalf of
23 herself, the State of California, and other Aggrieved Employees pursuant to Cal. Lab. Code §
24 2699(f).

25 95. Plaintiff also seeks civil penalties pursuant to Cal. Lab. Code § 2699(f) for the
26 unlawful conduct alleged herein, on behalf of the State, other Aggrieved Employees, and herself,
27 for Defendants' violations of Labor Code provisions including but not limited to Cal. Lab. Code §§
28 512.

96. On January 11, 2021, Plaintiff gave written notice to the Labor and Workforce Development Agency (“LWDA”) and to Defendants of her intent to pursue civil penalties for Defendants’ violations of the meal period requirements of Cal. Lab. Code §§ 226.7, 512, and 558 pursuant to the PAGA. Over 65 days have passed since Plaintiff provided the LWDA with notice, yet, Plaintiff has not received a response from the LWDA or Defendants. Accordingly, pursuant to Cal. Lab. Code § 2699.3(2)(a), Plaintiff has satisfied the administrative prerequisites to commence a PAGA action.

97. On March 17, 2021, Plaintiff Laia Glenn was amended into the Los Angeles County Superior Court case *Mills v. ResCare Workforce Services, Inc.*, given case number 20STCV49771, as a named plaintiff in that action. On April 19, 2024, the court in the *Mills* case struck the action of Laia Glenn without prejudice to a subsequent independent filing.

98. Defendants are liable to Plaintiff, the State of California, and Aggrieved Employees for the civil penalties set forth in this Complaint, with interest thereon. Plaintiff is also entitled to an award of attorneys' fees and costs as set forth below.

99. Wherefore, Plaintiff requests relief as hereinafter provided.

FIFTH CAUSE OF ACTION

Penalties Pursuant to Cal. Lab. Code § 2699(f)

for Violations of Cal. Lab. Code § 226.7

(Rest Periods)

100. Plaintiff realleges and incorporates the foregoing paragraphs as though fully set forth herein.

101. Cal. Lab. Code § 226.7 and the applicable Wage Orders require Defendants to authorize and permit rest periods to their employees. Cal. Lab. Code § 226.7 and the applicable Wage Orders require employers to authorize and permit employees to take ten minutes of net rest time per four hours or major fraction thereof of work, and to pay employees their full wages during those rest periods. Unless the employee is relieved of all duty during the ten-minute rest period, the employee is considered “on duty” and the rest period is counted as time worked under the applicable Wage Orders.

1 102. Under Cal. Lab. Code § 226.7(b) and the applicable Wage Orders, an employer must
2 pay an employee denied a required rest period one hour of pay at the employee's regular rate of
3 compensation for each workday that the rest period was not authorized and permitted and/or not
4 made available.

5 103. Despite these requirements, Defendants knowingly and willfully refuse to perform
6 their obligation to authorize and permit and/or make available to Plaintiff and Aggrieved Employees
7 the ability to take the off-duty rest periods to which they are entitled. Much like the reasons that
8 Plaintiff and Aggrieved Employees are denied compliant meal periods, Plaintiff and Aggrieved
9 Employees do not receive compliant rest periods because they are too busy to find the time for rest
10 periods, Defendants are too understaffed for Plaintiff and Aggrieved Employees to be relieved from
11 their duties, and Defendants require that Plaintiff and Aggrieved Employees cut their rest periods
12 short to assist with clients or complete further work assignments.

13 104. As a result of Defendants' policies and practices, Aggrieved Employees are routinely
14 denied the opportunity to take legally compliant rest periods. Plaintiff is informed, believes, and
15 thereon alleges that this policy and practice applies to all Aggrieved Employees.

16 105. Defendants also fail to pay Plaintiff and Aggrieved Employees one hour of pay for
17 each off-duty rest period that they are denied. Defendants' conduct described herein violates Cal.
18 Lab. Code § 226.7.

19 106. On information and belief, Defendants' conduct has been substantially the same at all
20 relevant times for all Aggrieved Employees throughout the state of California.

21 107. Cal. Lab. § 2699(f)(2) provides a civil penalty of one hundred dollars (\$100) for each
22 Aggrieved Employee per pay period for the initial violation of a Labor Code provision that does not
23 provide a civil penalty if, at the time of the violation, the employer employs one or more employees.
24 Cal. Lab. Code § 2699(f)(2) provides a civil penalty of two hundred dollars (\$200) for each
25 Aggrieved Employee per pay period for each subsequent violation of a Labor Code provision that
26 does not provide a civil penalty if, at the time of the violation, the employer employs one or more
27 employees.

28 108. Plaintiff seeks to recover civil penalties from Defendants for their violations of the

rest period requirements of Cal. Lab. Code § 226.7 throughout California on behalf of herself, the State of California, and other Aggrieved Employees pursuant to Cal. Lab. Code § 2699(f).

109. Plaintiff also seeks civil penalties pursuant to Cal. Lab. Code § 2699(a) for the unlawful conduct alleged herein, on behalf of the State, other Aggrieved Employees, and herself, for Defendants' violations of Labor Code provisions including but not limited to Cal. Lab. Code § 558(a).

110. On January 11, 2021, Plaintiff gave written notice to the Labor and Workforce Development Agency ("LWDA") and to Defendants of her intent to pursue civil penalties for Defendants' violations of the meal period and rest period requirements of Cal. Lab. Code §§ 226.7 and 558(a) pursuant to the PAGA. Over 65 days have passed since Plaintiff provided the LWDA with notice, yet, Plaintiff has not received a response from the LWDA or Defendants. Accordingly, pursuant to Cal. Lab. Code § 2699.3(2)(a), Plaintiff has satisfied the administrative prerequisites to commence a PAGA action.

111. On March 17, 2021, Plaintiff Laia Glenn was amended into the Los Angeles County Superior Court case *Mills v. ResCare Workforce Services, Inc.*, given case number 20STCV49771, as a named plaintiff in that action. On April 19, 2024, the court in the *Mills* case struck the action of Laia Glenn without prejudice to a subsequential independent filing.

112. Defendants are liable to Plaintiff, the State of California, and Aggrieved Employees for the civil penalties set forth in this Complaint, with interest thereon. Plaintiff is also entitled to an award of attorneys' fees and costs as set forth below.

113. Wherefore, Plaintiff requests relief as hereinafter provided.

SIXTH CAUSE OF ACTION

Penalties Pursuant to Cal. Lab. Code § 2699(a)

for Violations of Cal. Lab. Code § 226

(Accurate, Itemized Wage Statements)

114. Plaintiff realleges and incorporates the foregoing paragraphs as though fully set forth herein.

115. Defendants do not provide Plaintiff and the Aggrieved Employees with accurate

1 itemized wage statements as required by California law, as a result of the meal and rest period, off-
2 the-clock work, and overtime violations set forth above, and Defendants' failure to provide premium
3 pay for the missed meal and rest periods.

4 116. Cal. Lab. Code § 226(a) provides:

5 An employer, semimonthly or at the time of each payment of wages, shall furnish to
6 his or her employee, either as a detachable part of the check, draft, or voucher paying
7 the employee's wages, or separately if wages are paid by personal check or cash, an
8 accurate itemized statement in writing showing (1) gross wages earned, (2) total hours
9 worked by the employee, except as provided in subdivision (j), (3) the number of
10 piece-rate units earned and any applicable piece rate if the employee is paid on a piece-
11 rate basis, (4) all deductions, provided that all deductions made on written orders of
12 the employee may be aggregated and shown as one item, (5) net wages earned, (6) the
13 inclusive dates of the period for which the employee is paid, (7) the name of the
14 employee and only the last four digits of his or her social security number or an
15 employee identification number other than a social security number, (8) the name and
16 address of the legal entity that is the employer ... and (9) all applicable hourly rates in
17 effect during the pay period and the corresponding number of hours worked at each
18 hourly rate by the employee ... The deductions made from payment of wages shall be
19 recorded in ink or other indelible form, properly dated, showing the month, day, and
20 year, and a copy of the statement and the record of the deductions shall be kept on file
21 by the employer for at least three years at the place of employment or at a central
22 location within the State of California.

15 117. The applicable IWC Wage Orders also establish this requirement.

16 118. Cal. Lab. Code § 226(e)(1) provides:

17 An employee suffering injury as a result of a knowing and intentional failure by an
18 employer to comply with subdivision (a) is entitled to recover the greater of all actual
19 damages or fifty dollars (\$50) for the initial pay period in which a violation occurs and
20 one hundred dollars (\$100) per employee for each violation in a subsequent pay
21 period, not to exceed an aggregate penalty of four thousand dollars (\$4,000), and is
22 entitled to an award of costs and reasonable attorney's fees.

21 119. Due to the failure to pay one hour of premium pay to Plaintiff and the Aggrieved
22 Employees for each missed or noncompliant meal or rest period, along with the off-the-clock work,
23 and overtime violations, the wage statements Defendants provides their employees, including the
24 Aggrieved Employees, do not reflect the actual gross wages earned, actual net wages earned, actual
25 hours worked, or the appropriate applicable hourly rates. Accordingly, Defendants have knowingly
26 and willfully failed to provide timely, accurate itemized wage statements to Plaintiff and the
27 Aggrieved Employees in accordance with Cal. Lab. Code § 226 and the IWC Wage Orders.

28 120. On information and belief, Defendants' conduct has been substantially the same at all

1 relevant times throughout the state of California.

2 121. Cal. Lab. Code § 2699(a) permits an Aggrieved Employee to recover any civil penalty
3 to be assessed and collected by the LWDA for a violation of the Labor Code on behalf of herself
4 and other current or former employees pursuant to the procedures set forth in Cal. Lab. Code §
5 2699.3. Cal. Lab. Code § 2699(a) provides:

6 Notwithstanding any other provision of law, any provision of this code that provides
7 for a civil penalty to be assessed and collected by the Labor and Workforce
8 Development Agency or any of its departments, divisions, commissions, boards,
9 agencies or employees, for a violation of this code, may, as an alternative, be recovered
through a civil action brought by an Aggrieved Employee on behalf of himself or
herself and other current or former employees.

10 122. Plaintiff seeks to recover civil penalties from Defendants pursuant to Cal. Lab. Code
11 § 2699(a) for each failure by Defendants, alleged above, to provide Plaintiff and Aggrieved
12 Employees an accurate, itemized wage statement in compliance with Cal. Lab. Code § 226(a) in the
13 amounts established by Cal. Lab. Code § 226(e). Plaintiff seeks such penalties as an alternative to
14 the penalties available under Cal. Lab. Code § 226(e), as prayed for herein.

15 123. Plaintiff also seeks civil penalties pursuant to Cal. Lab. Code § 2699(a) for each
16 failure by Defendants, alleged above, to provide Plaintiff and Aggrieved Employees an accurate,
17 itemized wage statement in compliance with Cal. Lab. Code § 226(a) in the amounts established by
18 Cal. Lab. Code § 226.3. In addition, Plaintiff seeks penalties in the amount established by Cal. Lab.
19 Code § 226(e)(1).

20 124. On January 11, 2021, Plaintiff gave written notice to the LWDA and to Defendants
21 of her intent to pursue civil penalties for Defendants' failure to provide accurate, itemized wage
22 statements in violation of Cal. Lab. Code §§ 226 and 558(a) pursuant to the PAGA. Over 65 days
23 have passed since Plaintiff provided the LWDA with notice, yet, Plaintiff has not received a
24 response from the LWDA or Defendants. Accordingly, pursuant to Cal. Lab. Code § 2699.3(2)(a),
25 Plaintiff has satisfied the administrative prerequisites to commence a PAGA action.

26 125. On March 17, 2021, Plaintiff Laia Glenn was amended into the Los Angeles County
27 Superior Court case *Mills v. ResCare Workforce Services, Inc.*, given case number 20STCV49771,
28 as a named plaintiff in that action. On April 19, 2024, the court in the *Mills* case struck the action

1 of Laia Glenn without prejudice to a subsequential independent filing.

2 126. Defendants are liable to Plaintiff, the State of California, and Aggrieved Employees
3 for the civil penalties set forth in this Complaint, with interest thereon. Plaintiff is also entitled to
4 an award of attorneys' fees and costs as set forth below.

5 127. Wherefore, Plaintiff requests relief as hereinafter provided.

6 **SEVENTH CAUSE OF ACTION**

7 **Penalties Pursuant to Cal. Lab. Code § 2699(f)**

8 **for Violations of Cal. Lab. Code § 2802**

9 **(Failure to Reimburse Necessary Business Expenditures)**

10 128. Plaintiff realleges and incorporates the foregoing paragraphs as though fully set forth
11 herein.

12 129. Defendants fail to reimburse Plaintiff and Aggrieved Employees for all business
13 expenses incurred while on the job. Defendants require Plaintiffs and Aggrieved Employees use
14 their personal cellphone to clock in and out of Defendants' timekeeping system and to communicate
15 with clients and supervisors about work-related topics. However, Defendants do not reimburse their
16 workers for these expenditures.

17 130. Cal. Lab. Code § 2802(a) provides as follows:

18 An employer shall indemnify his or her employee for all necessary expenditures or
19 losses incurred by the employee in direct consequence of the discharge of his or her
20 duties, or of his or her obedience to the directions of the employer, even though
unlawful, unless the employee, at the time of obeying the directions, believed them to
be unlawful.

21 131. Cal. Lab. Code § 2699(f)(2) provides a civil penalty of one hundred dollars (\$100)
22 for each Aggrieved Employee per pay period for the initial violation of a Labor Code provision that
23 does not provide a civil penalty if, at the time of the violation, the employer employs one or more
24 employees. Cal. Lab. Code § 2699(f)(2) provides a civil penalty of two hundred dollars (\$200) for
25 each Aggrieved Employee per pay period for each subsequent violation of a Labor Code provision
26 that does not provide a civil penalty if, at the time of the violation, the employer employs one or
27 more employees.

28 132. Plaintiff seeks to recover civil penalties from Defendants for their failure to reimburse

1 necessary business expenses in violation of Cal. Lab. Code § 2802 and the applicable Wage Orders
2 throughout California on behalf of the State of California and other Aggrieved Employees pursuant
3 to Cal. Lab. Code § 2699(f).

4 133. On January 11, 2021, Plaintiff gave written notice to the LWDA and to Defendants
5 of her intent to pursue civil penalties for Defendants' violations of Cal. Lab. Code § 2802 pursuant
6 to the PAGA. Over 65 days have passed since Plaintiff provided the LWDA with notice, yet,
7 Plaintiff has not received a response from the LWDA or Defendants. Accordingly, pursuant to Cal.
8 Lab. Code § 2699.3(2)(a), Plaintiff has satisfied the administrative prerequisites to commence a
9 PAGA action.

10 134. On March 17, 2021, Plaintiff Laia Glenn was amended into the Los Angeles County
11 Superior Court case *Mills v. ResCare Workforce Services, Inc.*, given case number 20STCV49771,
12 as a named plaintiff in that action. On April 19, 2024, the court in the *Mills* case struck the action
13 of Laia Glenn without prejudice to a subsequential independent filing.

14 135. Defendants are liable to the State of California and Aggrieved Employees for the civil
15 penalties set forth in this Complaint, with interest thereon. Plaintiff is also entitled to an award of
16 attorneys' fees and costs as set forth below.

17 136. Wherefore, Plaintiff requests relief as hereinafter provided.

18 **EIGHTH CAUSE OF ACTION**

19 **Penalties Pursuant to Cal. Lab. Code § 2699(a)**

20 **for Violations of Cal. Lab. Code §§ 201-203**

21 **(Waiting Time Penalties)**

22 137. Plaintiff realleges and incorporates the foregoing paragraphs as though fully set forth
23 herein.

24 138. Defendants do not provide Plaintiff and Aggrieved Employees with their full wages
25 when due under California law after their employment with Defendants ends, as a result of the meal
26 and rest period, off-the-clock work, and overtime violations set forth above and Defendants' failure
27 to provide premium pay for the missed meal and rest periods.

28 139. Cal. Lab. Code § 201 provides:

1 If an employer discharges an employee, the wages earned and unpaid at the time of
2 discharge are due and payable immediately.

3 140. Cal. Lab. Code § 202 provides:

4 If an employee not having a written contract for a definite period quits his or her
5 employment, his or her wages shall become due and payable not later than 72 hours
6 thereafter, unless the employee has given 72 hours previous notice of his or her
7 intention to quit, in which case the employee is entitled to his or her wages at the time
8 of quitting.

9 141. Cal. Lab. Code § 203 provides, in relevant part:

10 If an employer willfully fails to pay, without abatement or reduction, in accordance
11 with Sections 201, 201.3, 201.5, 201.9, 202, and 205.5, any wages of an employee
12 who is discharged or who quits, the wages of the employee shall continue as a penalty
13 from the due date thereof at the same rate until paid or until an action therefor is
14 commenced; but the wages shall not continue for more than 30 days.

15 142. Plaintiff and many Aggrieved Employees have left their employment with
16 Defendants during the statutory period, at which time Defendants owed them unpaid wages for
17 premium pay for missed or noncompliant meal and rest periods.

18 143. Defendants willfully refused and continue to refuse to pay Plaintiff and the Aggrieved
19 Employees all the wages that are due and owing them, in the form of minimum wages, overtime
20 wages, meal and rest period premium pay, and other wages due and owing, upon the end of their
21 employment. As a result of Defendants' actions, Plaintiff and the Aggrieved Employees have
22 suffered and continue to suffer substantial losses, including lost earnings, and interest.

23 144. Defendants' willful failure to pay Plaintiff and the Aggrieved Employees the wages
24 due and owing them constitutes a violation of Cal. Lab. Code §§ 201-203. In addition, § 203
25 provides that an employee's wages will continue as a penalty up to thirty days from the time the
26 wages were due. Plaintiff seeks to recover PAGA penalties, costs, and attorneys' fees pursuant to
27 this section.

28 145. On information and belief, Defendants' conduct has been substantially the same at all
relevant times throughout the state of California.

146. Cal. Lab. Code § 2699(a) permits an Aggrieved Employee to recover any civil penalty
to be assessed and collected by the LWDA for a violation of the Labor Code on behalf of himself
or herself and other current or former employees pursuant to the procedures set forth in Cal. Lab.
Code § 2699.3. Cal. Lab. Code § 2699(a) provides:

1 Notwithstanding any other provision of law, any provision of this code that provides
2 for a civil penalty to be assessed and collected by the Labor and Workforce
3 Development Agency or any of its departments, divisions, commissions, boards,
agencies or employees, for a violation of this code, may, as an alternative, be recovered
through a civil action brought by an Aggrieved Employee on behalf of himself or
herself and other current or former employees.

4 147. Plaintiff seeks civil penalties pursuant to Cal. Lab. Code § 2699(a) for each failure by
5 Defendants, as alleged above, to timely pay all wages owed to Plaintiff and Aggrieved Employees
6 in compliance with Cal. Lab. Code §§ 201-202 in the amounts established by Cal. Lab. Code § 203.
7 Plaintiff seeks such penalties as an alternative to the penalties available under Cal. Lab. Code § 203,
8 as prayed for herein.

9 148. Plaintiff also seeks civil penalties pursuant to Cal. Lab. Code § 2699(a) for the
10 unlawful conduct alleged herein, on behalf of the State, other Aggrieved Employees, and herself,
11 for Defendants' violations of Labor Code provisions including but not limited to Cal. Lab. Code §§
12 256 and 558(a).

13 149. On January 11, 2021, Plaintiff gave written notice to the LWDA and to Defendants
14 of her intent to pursue civil penalties for Defendants' failure to pay wages when due after the end
15 employment with Defendants in violation of Cal. Lab. Code §§ 201-203 and 558(a) pursuant to the
16 PAGA. Over 65 days have passed since Plaintiff provided the LWDA with notice, yet, Plaintiff has
17 not received a response from the LWDA or Defendants. Accordingly, pursuant to Cal. Lab. Code §
18 2699.3(2)(a), Plaintiff has satisfied the administrative prerequisites to commence a PAGA action.

19 150. On March 17, 2021, Plaintiff Laia Glenn was amended into the Los Angeles County
20 Superior Court case *Mills v. ResCare Workforce Services, Inc.*, given case number 20STCV49771,
21 as a named plaintiff in that action. On April 19, 2024, the court in the *Mills* case struck the action
22 of Laia Glenn without prejudice to a subsequential independent filing.

23 151. Defendants are liable to Plaintiff, the State of California, and Aggrieved Employees
24 for the civil penalties set forth in this Complaint, with interest thereon. Plaintiff is also entitled to
25 an award of attorneys' fees and costs as set forth below.

26 152. Wherefore, Plaintiff requests relief as hereinafter provided.
27
28

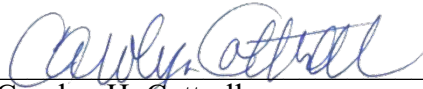
1 **PRAYER FOR RELIEF**

2 **WHEREFORE**, Plaintiff prays for relief as follows:

- 3 1. For the Court to declare, adjudge, and decree that Defendants have violated the
4 California Labor Code as alleged herein;
- 5 2. For an order awarding the State of California, Plaintiff, and Aggrieved Employees
6 civil penalties provided under the PAGA;
- 7 3. For interest as provided by applicable law;
- 8 4. For an award of reasonable attorneys' fees as provided by the Cal. Lab. Code §
9 2699(g)(1); Cal. Code Civ. Proc. § 1021.5; and/or any other applicable law;
- 10 5. For all costs of suit; and
- 11 6. For such other and further relief as this Court deems just and proper.

12
13 Respectfully Submitted,

14 Date: April 22, 2024

15 

16 Carolyn H. Cottrell

17 Ori Edelstein

18 Stuart H. Kluft

SCHNEIDER WALLACE

COTTRELL KONECKY LLP

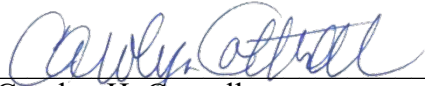
19 *Attorneys for Plaintiff, on behalf of the State of*
20 *California and Aggrieved Employees*

1 **DEMAND FOR JURY TRIAL**

2 Plaintiff hereby demands a jury trial on all claims and issues for which Plaintiff is entitled to
3 a jury.

4 Respectfully Submitted,

5 Date: April 22, 2024

6 
7 Carolyn H. Cottrell
8 Ori Edelstein
9 Stuart H. Kluft
10 **SCHNEIDER WALLACE**
11 **COTTRELL KONECKY LLP**

12 *Attorneys for Plaintiff, on behalf of the State of*
13 *California and Aggrieved Employees*