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THE SUPERIOR COURT
By Xian-xii Bowie, Deputy
CASE NUMBER:
RG21096212

Carolyn Hunt Cottrell (SBN 166977)
Kyle G. Bates (SBN 299114)
Heather G. Fuchs (SBN 335561)
SCHNEIDER WALLACE
COTTRELL KONECKY LLP
2000 Powell Street, Suite 1400
Emeryville, California 94608
Tel: (415) 421-7100; Fax: (415) 421-7105
ccottrell@schneiderwallace.com
kbates@schneiderwallace.com
hfuchs@schneiderwallace.com

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

**SUPERIOR COURT OF CALIFORNIA**
**COUNTY OF ALAMEDA**

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| TROY CROSSLEY, on Behalf of the State of California and Aggrieved Employees,<br><br>Plaintiff,<br><br>vs.<br><br>MANPOWERGROUP, INC., LVMH MOET HENNESSY LOUIS VUITTON, INC.<br><br>Defendants. | Case No. __________<br><br>**COMPLAINT FOR PENALTIES PURSUANT TO SECTIONS 2699(a) and (f) OF THE CALIFORNIA LABOR CODE PRIVATE ATTORNEYS GENERAL ACT AND DEMAND FOR JURY TRIAL**<br><br>**DEMAND FOR JURY TRIAL** |

Plaintiff Troy Crossley ("Plaintiff"), on behalf of the State of California and Aggrieved Employees, complains as follows:

## INTRODUCTION

1. Plaintiff brings this enforcement action on behalf of the State of California against Defendants ManpowerGroup Inc., LVMH Moet Hennessy Louis Vuitton, Inc. ("Defendants") for their systematic violations of California labor law with respect to Defendant's current and former non-exempt employees who worked in California (the "Aggrieved Employees"). Throughout the relevant time period, Plaintiff and Aggrieved Employees have been denied proper payment for all hours worked including time worked off-the-clock and unpaid overtime wages, failure to provide timely and compliant itemized wage statements, and Defendants have engaged in unfair business practices by forcing Plaintiff and Aggrieved Employees to undergo off-the-clock security checks.

2. Defendant also maintains a longstanding policy and practice of failing to properly compensate non-exempt employees for all work performed including off-the clock tasks that would be counted as overtime. These policies deny Plaintiff and Aggrieved Employees payment for all hours worked in compliance with California law.

3. Plaintiff and Aggrieved Employees bring this action to challenge Defendant's policies and practices of: (1) failing to compensate Plaintiff and Aggrieved Employees for all hours worked; (2) failing to provide Plaintiff and Aggrieved Employees accurate, itemized wage statements; and (3) directing employees to spend time in security check lines before and after each shift while off-the-clock.

4. Plaintiff and Aggrieved Employees seek penalties under the Labor Code Private Attorneys General Act of 2004 ("PAGA").

## JURISDICTION AND VENUE

5. This Court has jurisdiction over Plaintiff's claims for penalties pursuant to PAGA. The Court also has general jurisdiction over Defendants ManpowerGroup Inc. and LVMH Moet Hennessy Louis Vuitton because they are authorized to do business in the State of California and are

registered with the California Secretary of State.

6. Venue is proper in this Court pursuant to Code of Civil Procedure §§ 393 and 395.5. Defendants conduct business and employ Aggrieved Employees in Alameda County.

**PARTIES**

7. Plaintiff Troy Crossley is an individual over the age of eighteen, and at all times relevant to this Complaint was a resident of the State of California, County of Riverside. Plaintiff was employed as a factory worker by Defendants at the Louis Vuitton Distribution Center in Ontario, California from November 2020 to December 11, 2020.

8. The Aggrieved Employees are current former similarly situated, hourly, non-exempt employees of Defendant in California.

9. Plaintiff is informed, believes, and thereon alleges that Defendant Manpower Group, Inc. is headquartered in Milwaukee, Wisconsin. It operated throughout the United States and is licensed to do business in California. Defendant may be served with process by serving its registered agent, C T Corporation System, 301 S Bedford St, Ste 1, Madison, Wisconsin 53703-3691. Defendant LVMH Moet Hennessey Louis Vuitton operates stores and locations throughout California, it is headquartered in New York. Defendant may be served with process by serving its registered agent, Corporation Service Company, 80 State Street, Albany, New York, 12207-2543.

10. At all relevant times, Defendants have had places of business in California, including in this district, and has employed Aggrieved Employees in California. Defendants are a "person" as defined in Labor Code § 18 and an "employer" as that term is used in the Labor Code and the IWC Wage Orders regulating wages, hours, and working conditions.

**FACTUAL ALLEGATIONS**

11. Defendants operates and staff the Louis Vuitton Distribution Center in Ontario, California. Defendant employs dozens of hourly non-exempt workers similarly situated to Plaintiff at the same distribution center.

12. Plaintiff worked as an employee of Manpower Group, Inc. at Louis Vuitton's

Distribution Center in Ontario, California as a non-exempt factory worker from approximately November 2020 to December 11, 2020. Plaintiff was paid at an hourly rate of $16.50. On average, Plaintiff Crossley worked sixty-nine hours in a workweek every week. On average, Plaintiff worked about eleven and a half hours in a day six days a week.

13. Aggrieved Employees are current and former hourly, non-exempt employees of Defendants in California.

14. Aggrieved Employees perform their jobs under Defendants' supervision and using materials and technology approved and supplied by Defendants.

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

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

17. Defendants pay Aggrieved Employees on an hourly rate basis.

18. As a result of these policies, Defendants deny Plaintiff and Aggrieved Employees minimum wages, time worked while off-the-clock for Defendants' benefit.

19. Defendants' common course of wage-and-hour abuse includes routinely failing to maintain true and accurate records of the hours worked by Aggrieved Employees. In particular, Defendants have failed to record hours that Plaintiff and Aggrieved Employees work while off-the-clock. Mr. Crossley was regularly directed by Defendants to spend at least ten-to-twenty minutes before the beginning and at the end of every shift going through a security check line, while off-the-clock. This "security check" work goes unrecorded and uncompensated, even though it should be compensated at minimum wage and/or overtime rates under California law, giving rise to minimum wage and overtime violations. Upon information and belief, Defendants' institute a similar off-the-clock "security check" policy that results in thousands of Aggrieved Employees performing services for the benefit of Defendants while off-the-clock.

20. Plaintiff and Aggrieved Employees are often denied overtime for all work performed

in excess of eight hours per day or forty hours per week in violation of California law. Plaintiff and Aggrieved Employees are typically scheduled to work shifts of eleven and half hours. However, Plaintiff and Aggrieved Employees regularly work additional hours beyond their normally scheduled shifts by being directed by Defendants to participate in a security check before clocking in for each shift and after clocking out for each shift. Plaintiff and Aggrieved Employees regularly worked approximately 11 hours per shift and six shifts per week for between sixty and seventy hours per week.

21. Further, Defendants often do not provide Aggrieved Employees, including Plaintiff, with full payment of all wages owed at the end of the pay period. As these workers are owed for work performed during unpaid security checks, unpaid overtime, and these amounts remain unpaid under Defendant's policies and practices, Defendants fail to pay all wages due upon termination. As a consequence, Defendants are subject to waiting time penalties.

22. Defendants have employed hundreds of people similarly situated to Plaintiff throughout its facilities in California.

23. Defendants' method of paying Plaintiff and Aggrieved Employees is willful, and is not based on a good faith and reasonable belief that its conduct complies with California law. Defendants' conduct causes significant damages to non-exempt hourly employees in an amount to be determined at trial.

## FIRST CAUSE OF ACTION
## Penalties Pursuant to Labor Code § 2699(a)

24. Plaintiff re-alleges and incorporates the foregoing paragraphs as though fully set forth herein.

25. Labor Code § 2699(a) provides:

> Notwithstanding any other provision of law, any provision of this code that provides for a civil penalty to be assessed and collected by the Labor and Workforce 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.

26. Labor Code § 203 provides, in relevant part:

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

27. Labor Code § 226(a) provides:

> Every employer shall, semimonthly or at the time of each payment of wages, furnish each of his or her employees, either as a detachable part of the check, draft, or voucher paying the employee's wages, or separately when wages are paid by personal check or cash, an accurate itemized statement in writing showing (1) gross wages earned, (2) total hours worked by the employee, except for any employee whose compensation is solely based on a salary and who is exempt from payment of overtime under subdivision (a) of Section 515 or any applicable order of the Industrial Welfare Commission, (3) the number of piece-rate units earned and any applicable piece rate if the employee is paid on a piece-rate basis, (4) all deductions, provided that all deductions made on written orders of the employee may be aggregated and shown as one item, (5) net wages earned, (6) the inclusive dates of the period for which the employee is paid, (7) the name of the employee and his or her social security number, (8) the name and address of the legal entity that is the employer, and (9) all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate by the employee.

28. Labor Code § 226.3 provides:

> Any employer who violates subdivision (a) of Section 226 shall be subject to a civil penalty in the amount of two hundred fifty dollars ($250) per employee per violation in an initial citation and one thousand dollars ($1,000) per employee for each violation in a subsequent citation, for which the employer fails to provide the employee a wage deduction statement or fails to keep the records required in subdivision (a) of Section 226. The civil penalties provided for in this section are in addition to any other penalty provided by law.

29. Plaintiff seeks civil penalties pursuant to Labor Code § 2699(a) for each failure by Defendants, as alleged above, to timely pay all wages owed to Plaintiff and Aggrieved Employees in compliance with Labor Code §§ 201-202 in the amounts established by Labor Code § 203. Plaintiff seeks such penalties as an alternative to the penalties available under Labor Code § 203, as

prayed for herein.

30. Plaintiff also seeks civil penalties pursuant to Labor Code § 2699(a) for each failure by Defendants, alleged above, to provide Plaintiff and Aggrieved Employees an accurate, itemized wage statement in compliance with Labor Code § 226(a) in the amounts established by Labor Code § 226(e). Plaintiff seeks such penalties as an alternative to the penalties available under Labor Code § 226(e), as prayed for herein.

31. Plaintiff also seeks civil penalties pursuant to Sections 225.5, and 226.3 of the California Labor Code.

32. Pursuant to Labor Code § 2699.3(a)(1) and (2), Plaintiff provided the Labor and Workforce Development Agency ("LWDA") with notice of her intention to file this claim. Sixty-five calendar days have passed without notice from the LWDA. Plaintiff satisfied the administrative prerequisites to commence this civil action in compliance with § 2699.3(a).

33. Plaintiff seeks the aforementioned penalties on behalf of the State, other Aggrieved Employees, and herself as set forth in Labor Code § 2699(g)(i).

34. Defendants are liable to Plaintiff, Aggrieved Employees, and the State of California 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.

35. Wherefore, Plaintiff requests relief as hereinafter provided.

## SECOND CAUSE OF ACTION
## Penalties Pursuant to Labor Code § 2699(f)

36. Plaintiff re-alleges and incorporates the foregoing paragraphs as though fully set forth herein.

37. Labor Code § 2699(f) provides:

> For all provisions of this code except those for which a civil penalty is specifically provided, there is established a civil penalty for a violation of these provisions, as follows: . . . (2) If, at the time of the alleged violation, the person employs one or more employees, the civil penalty is 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.

38. To the extent than any violation alleged herein does not carry penalties under Labor Code § 2699(a), Plaintiff seeks civil penalties pursuant to Labor Code § 2699(f) for Plaintiff and Aggrieved Employees each pay period in which he or she was aggrieved, in the amounts established by Labor Code § 2699(f). Plaintiff seeks civil penalties under Labor Code § 2699(f) for Defendants' violations of Labor Code § 204, 225.5, 226, 226.3, and 256 and under the California Business and Professions Code §§ 17200, *et seq*.

39. Pursuant to Labor Code § 2699.3(a)(1) and (2), Plaintiff has provided the LWDA with notice of her intention to file this claim. Sixty-five calendar days have passed without notice from the LWDA. Plaintiff satisfied the administrative prerequisites to commence this civil action in compliance with § 2699.3(a).

40. Plaintiff seeks the aforementioned penalties on behalf of the State, other Aggrieved Employees, and himself as set forth in Labor Code § 2699(g)(i).

41. Defendants are liable to Plaintiff, Aggrieved Employees, and the State of California 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.

42. Wherefore, Plaintiff requests relief as hereinafter provided.

## **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, on behalf of the State of California and Aggrieved Employees, requests the following relief:

1. For an order awarding civil penalties to the full extent provided for by the PAGA;
2. For an award of reasonable attorneys' fees as provided by the California Labor Code, including Labor Code § 2699(g)(1); California Code of Civil Procedure §1021.5; and/or any other applicable law;
3. For all costs of suit;
4. For interest on any penalties awarded, as provided by applicable law; and

5. For such other and further relief as this Court deems just and proper.

Respectfully submitted,

Date: April 19, 2021

Carolyn H. Cottrell
Kyle G. Bates
Heather G. Fuchs
SCHNEIDER WALLACE
COTTRELL KONECKY LLP

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

## DEMAND FOR JURY TRIAL

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

Respectfully submitted,

Date: April 19, 2021

Carolyn H. Cottrell
Kyle G. Bates
Heather G. Fuchs
SCHNEIDER WALLACE
COTTRELL KONECKY LLP

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