

Larry W. Lee (State Bar No. 228175)
Kristen M. Agnew (State Bar No. 247656)
Nicholas Rosenthal (State Bar No. 268297)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa Street, Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile

William L. Marder, Esq. (State Bar No. 170131)
Polaris Law Group LLP
501 San Benito Street, Suite 200
Hollister, CA 95023
Tel: (831) 531-4214
Fax: (831) 634-0333

Attorneys for Plaintiff and the Class

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Superior Court of California
County of Riverside
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J. Hendrickson
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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE**

IKEYEE JACKSON, as an individual and
on behalf of all others similarly situated,

Plaintiffs,

vs.

SAMUEL, SON & CO. (USA) INC., a
Delaware corporation; and DOES 1
through 50, inclusive,

Defendants.

Case No.: **CVRI2101679**

**CLASS AND REPRESENTATIVE ACTION
COMPLAINT FOR DAMAGES FOR:**

(1) VIOLATION OF CAL. LABOR CODE §
226(a);

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

DEMAND OVER \$25,000.00

1 Plaintiff Ikeyee Jackson (“Plaintiff”) hereby submits this Class and Representative Action
2 Complaint (“Complaint”) against Defendant Samuel, Son & Co. (USA) Inc. (“Defendant”) and
3 Does 1 through 50 (hereinafter collectively referred to as “Defendants”), on behalf of himself and
4 a class of all other similarly situated current and former employees of Defendants for civil and
5 statutory penalties under the California Labor Code as follows:

6 **INTRODUCTION**

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

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

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

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

19 **JURISDICTION AND VENUE**

20 5. The Court has jurisdiction over the violations of California Labor Code sections
21 226 and 2698 *et seq.*

22 6. Venue is proper in Riverside County because Defendant maintains operations in
23 Riverside County, and Plaintiff was employed by Defendant in Riverside County.

24 **PARTIES**

25 7. Plaintiff has been employed by Defendant as a non-exempt, hourly employee, since
26 on or about May 1, 2017.

27 8. Plaintiff was and is the victim of the policies, practices, and customs of Defendant
28 complained of in this action in ways that have deprived him of the rights guaranteed by California

1 Labor Code sections 226 and 2698 *et seq.*

2 9. Plaintiff is informed and believes, and based thereon alleges, that Samuel, Son &
3 Co. (USA) Inc. is a Delaware corporation that maintains operations in the State of California,
4 including in Riverside, California.

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

10 11. Plaintiff does not know the true names or capacities, whether individual, partner or
11 corporate, of the defendants sued herein as Does 1 through 50, inclusive, and for that reason, said
12 defendants are sued under such fictitious names, and Plaintiff prays for leave to amend this
13 complaint when the true names and capacities are known. Plaintiff is informed and believes and
14 based thereon alleges that each of said fictitious defendants was responsible in some way for the
15 matters alleged herein and proximately caused Plaintiff and Class Members to be subject to the
16 illegal employment practices, wrongs and injuries complained of herein.

17 12. At all times herein mentioned, each of said Defendants participated in the doing of
18 the acts hereinafter alleged to have been done by the named Defendants; and furthermore, the
19 Defendants, and each of them, were the agents, servants and employees of each of the other
20 Defendants, as well as the agents of all Defendants, and at all times herein mentioned, were acting
21 within the course and scope of said agency and employment.

22 13. Plaintiff is informed and believes, and based thereon alleges, that at all times
23 material hereto, each of the Defendants named herein was the agent, employee, alter ego and/or
24 joint venturer of, or working in concert with each of the other co-Defendants and was acting within
25 the course and scope of such agency, employment, joint venture, or concerted activity. To the
26 extent said acts, conduct, and omissions were perpetrated by certain Defendants, each of the
27 remaining Defendants confirmed and ratified said acts, conduct, and omissions of the acting
28 Defendants.

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

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

11 **CLASS ACTION ALLEGATIONS**

12 16. **Definition:** The named individual Plaintiff seeks class certification, pursuant to
13 California Code of Civil Procedure section 382. Plaintiff proposes the following Class: All current
14 and former employees of Defendant in the State of California who were paid shift differential
15 and/or premium wages at any time between March 30, 2020, through the present (the “Class” or
16 “Class Members”).

17 17. **Numerosity:** The members of the Class are so numerous that joinder of all
18 members would be impractical, if not impossible. The identity of the members of the Class is
19 readily ascertainable by review of Defendant’s records, including payroll records. Plaintiff is
20 informed and believes, and based thereon alleges, that Defendant failed to provide accurate
21 itemized wage statements to employees in violation of Labor Code section 226.

22 18. **Adequacy of Representation:** The named Plaintiff is fully prepared to take all
23 necessary steps to represent fairly and adequately the interests of the Class defined above.
24 Plaintiff’s attorneys are ready, willing, and able to fully and adequately represent the Class and the
25 individual Plaintiff. Plaintiff’s attorneys have prosecuted and settled wage-and-hour class actions
26 in the past and currently have a number of wage-and-hour class actions pending in California state
27 and federal courts.

28 19. Defendant uniformly administered a corporate policy, practice of failing to provide

1 accurate itemized wage statements to Plaintiff and the Class in violation of Labor Code section
2 226.

3 20. **Common Question of Law and Fact:** There are predominant common questions
4 of law and fact and a community of interest amongst Plaintiff and the claims of the Class
5 concerning Defendant's policy and practice of failing to provide proper wage statements to
6 Plaintiff and the Class in violation of Labor Code section 226.

7 21. **Typicality:** The claims of Plaintiff are typical of the claims of all members of the
8 Class in that Plaintiff suffered the harm alleged in this Complaint in a similar and typical manner
9 as the Class Members. As with other California employees, Plaintiff was not provided proper and
10 accurate itemized wage statements, in violation of Labor Code section 226(a). More specifically,
11 when Defendant paid shift differential and/or premium wages, the corresponding wage statements
12 did not identify the applicable hours and rate of pay used to calculate such wages. Rather, the wage
13 statements simply identified the total sum paid for such wages. Accordingly, Plaintiff is a victim
14 of Defendant's violation of California Labor Code section 226(a).

15 22. The California Labor Code section upon which Plaintiff bases these claims is
16 broadly remedial in nature. These laws and labor standards serve an important public interest in
17 establishing minimum working conditions and standards in California. These laws and labor
18 standards protect the average working employee from exploitation by employers who may seek to
19 take advantage of superior economic and bargaining power in setting onerous terms and conditions
20 of employment.

21 23. The nature of this action and the format of laws available to Plaintiff and members
22 of the Class identified herein make the class action format a particularly efficient and appropriate
23 procedure to redress the wrongs alleged herein. If each employee were required to file an individual
24 lawsuit, the corporate Defendants would necessarily gain an unconscionable advantage since it
25 would be able to exploit and overwhelm the limited resources of each individual plaintiff with
26 their vastly superior financial and legal resources. Requiring each Class Member to pursue an
27 individual remedy would also discourage the assertion of lawful claims by employees who would
28 be disinclined to file an action against their former and/or current employer for real and justifiable

1 fear of retaliation and permanent damage to their careers at subsequent employment.

2 24. The prosecution of separate actions by the individual Class Members, even if
3 possible, would create a substantial risk of (a) inconsistent or varying adjudications with respect
4 to individual Class Members against the Defendants and which would establish potentially
5 incompatible standards of conduct for the Defendants, and/or (b) adjudications with respect to
6 individual Class Members which would, as a practical matter, be dispositive of the interest of the
7 other Class Members not parties to the adjudications or which would substantially impair or
8 impede the ability of the Class Members to protect their interests. Further, the claims of the
9 individual members of the Class are not sufficiently large to warrant vigorous individual
10 prosecution considering all of the concomitant costs and expenses.

11 25. Such a pattern, practice and uniform administration of corporate policy regarding
12 illegal payroll practices described herein is unlawful and creates an entitlement to recovery by
13 Plaintiff and the Class identified herein, in a civil action, for applicable penalties, reasonable
14 attorneys' fees, and costs of suit according to the mandate of California Labor Code section 226
15 and Code of Civil Procedure section 1021.5.

16 26. Proof of a common business practice or factual pattern, which the named Plaintiff
17 experienced and is representative of, will establish the right of each of the members of the Plaintiff
18 Class to recovery on the causes of action alleged herein.

19 **FIRST CAUSE OF ACTION**

20 **VIOLATION OF LABOR CODE § 226**

21 **(BY PLAINTIFF AND THE CLASS AGAINST ALL DEFENDANTS)**

22 27. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 26 as though
23 fully set forth herein.

24 28. Defendant failed in its affirmative obligation to provide accurate itemized wage
25 statements, in violation of Labor Code section 226(a).

26 29. Plaintiff and Class Members were paid on an hourly basis. As such, their wage
27 statements should have reflected all applicable hourly rates in effect during the pay period and the
28 corresponding number of hours worked at each hourly rate. The wage statements provided to

1 Plaintiff and Class Members failed to accurately identify such information. More specifically,
2 when Defendant paid shift differential and/or premium wages, the corresponding wage statements
3 did not identify the applicable hours and rate of pay used to calculate such wages. Rather, the wage
4 statements simply identified the total sum paid for such wages.

5 30. Such a pattern, practice and uniform administration of corporate policy as described
6 herein is unlawful and creates an entitlement to recovery by the Plaintiff and Class identified
7 herein, in a civil action, for all penalties pursuant to Labor Code section 226, including interest
8 thereon, attorneys' fees, and costs of suit according to the mandate of California Labor Code
9 section 226.

10 **SECOND CAUSE OF ACTION**

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

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

14 31. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 30 as though
15 fully set forth herein.

16 32. Plaintiff brings this cause of action as a proxy for the State of California and in this
17 capacity, seeks penalties on behalf of all Aggrieved Employees from March 11, 2020, through the
18 present, for Defendant's policy and practice of failing to provide proper wage statements in
19 violation of Labor Code section 226(a).

20 33. Plaintiff and Aggrieved Employees were paid on an hourly basis. As such, their
21 wage statements should have reflected all applicable hourly rates in effect during the pay period
22 and the corresponding number of hours worked at each hourly rate. The wage statements provided
23 to Plaintiff and Aggrieved Employees failed to accurately identify such information. More
24 specifically, when Defendant paid shift differential and/or premium wages, the corresponding
25 wage statements did not identify the applicable hours and rate of pay used to calculate such wages.
26 Rather, the wage statements simply identified the total sum paid for such wages.

27 34. On or about March 11, 2021, Plaintiff sent written notice to the California Labor &
28 Workforce Development Agency ("LWDA") of Defendant's violations of Labor Code section

226(a), pursuant to Labor Code section 2698, *et seq.*, the Private Attorney General Act (“PAGA”).
To date, the LWDA has not responded to Plaintiff’s written notice.

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

PRAYER FOR RELIEF

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

1. For an order certifying the proposed Class;
2. For an order appointing Plaintiff as the representative of the Class as described herein;
3. For an order appointing counsel for Plaintiff as class counsel;
4. Upon the First Cause of Action, for penalties pursuant to California Labor Code section 226, and for costs and attorneys’ fees;
5. Upon the Second Cause of Action, for civil penalties according to proof pursuant to Labor Code sections 226.3 and 2698, *et seq.*, and for costs and attorneys’ fees;
6. On all causes of action for attorneys’ fees and costs as provided by California Labor Code sections 226 and 2699, and Code of Civil Procedure section 1021.5; and
7. For such other and further relief the Court may deem just and proper.

DATED: March 30, 2021

DIVERSITY LAW GROUP, P.C.

By: _____

Larry W. Lee

Kristen M. Agnew

Nicholas Rosenthal

Attorneys for Plaintiff and the Class