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Attorneys for Plaintiff

*ADDITIONAL ATTORNEYS ON FOLLOWING PAGE

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

MARIA ANAYA, individually and on behalf of all
others similarly situated,

Plaintiff,

vs.

BATH & BODY WORKS, LLC, a Delaware
limited liability company; and DOES 1 through 50,
inclusive,

Defendants.

Case No. 56-2021-00553769-CU-OE-VTA

[Assigned to the Hon. Matthew P. Guasco, Dept.
20]

SECOND AMENDED COMPLAINT FOR:

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

DEMAND OVER \$25,000

1 ADDITIONAL COUNSEL

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1 Plaintiff Maria Anaya ("Plaintiff") hereby submits this Second Amended Complaint against
2 Defendants Bath & Body Works, LLC, a Delaware limited liability company ("Defendant" or the
3 "Company"), and Does 1-50 (hereinafter collectively referred to as "Defendants"), as a proxy for the
4 State of California on behalf of all other similarly aggrieved employees of Defendants for penalties for
5 failure to provide accurate itemized wage statements as follows:

6 **JURISDICTION AND VENUE**

7 1. This action is within the Court's jurisdiction under the Private Attorneys General Act
8 (the "PAGA"), California Labor Code § 2698, *et seq.*

9 2. This Complaint challenges systemic illegal employment practices resulting in
10 violations of the California Labor Code against Defendant's employees.

11 3. Venue is proper in Ventura County because Plaintiff worked for Defendant in the City
12 of Oxnard, California.

13 **PARTIES**

14 4. In or around November 2006, Plaintiff was hired by Defendant and worked as a non-
15 exempt Key Holder. Plaintiff's employment ended on or about April 2, 2021.

16 5. Plaintiff is informed and believes and based thereon alleges that Defendant was and is a
17 limited liability company which operates retail stores throughout the United States, including in
18 Ventura County.

19 6. Plaintiff is informed and believes and based thereon alleges that at all times herein
20 mentioned Defendant and DOES 1 through 50 are and were business entities, individuals, and
21 partnerships, licensed to do business and actually doing business in the State of California.

22 7. As such, and based upon all the facts and circumstances incident to Defendants'
23 business in California, Defendants are subject to Labor Code § 226 and the applicable Wage Orders.

24 8. Plaintiff does not know the true names or capacities, whether individual, partner or
25 corporate, of the Defendants sued herein as DOES 1 through 50, inclusive, and for that reason, said
26 Defendants are sued under such fictitious names, and Plaintiff prays for leave to amend this complaint
27 when the true names and capacities are known. Plaintiff is informed and believes and based thereon
28 alleges that each of said fictitious Defendants was responsible in some way for the matters alleged

herein and proximately caused Plaintiff and aggrieved employees to be subject to the illegal employment practices complained of herein.

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

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

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

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

FIRST CAUSE OF ACTION

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

(BY PLAINTIFF AS A PROXY FOR THE STATE OF CALIFORNIA AGAINST ALL DEFENDANTS)

13. Plaintiff re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

15. Based on the above-stated Labor Code violations, Plaintiff is an “aggrieved employee” as defined in Labor Code section 2699(a). As such, Plaintiff brings this cause of action on behalf of the State of California for violations committed against all similarly situated Aggrieved Employees of Defendants.

16. On or about April 27, 2021, Plaintiff sent written notice to the California Labor & Workforce Development Agency (“LWDA”) of Defendant’s violations of Labor Code § 226, pursuant to PAGA. As of the date of the filing of this Complaint, the LWDA has yet to provide notice to Plaintiff as to whether it intends to investigate the violations provided for in the written notice. In addition to the LWDA, Plaintiff also sent written notice to Defendant via certified mail according to Labor Code section 2699.3.

17. As such, pursuant to Labor Code §§ 226.3 and 2699, Plaintiff seeks recovery of any and all applicable civil penalties, attorneys' fees and costs for Defendant's violation of Labor Code § 226, for the time period described above, on behalf of the State of California and other Aggrieved Employees.

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

1. Upon the First Cause of Action, for civil penalties, costs, and attorneys' fees pursuant to Labor Code §§ 226.3 and 2699;

2. On all causes of action, for attorneys' fees and costs as provided by California Labor

1 Code § 2699, and Code of Civil Procedure § 1021.5; and

2 3. For such other and further relief as the Court may deem just and proper.

3
4 DATED: August 18, 2021

DIVERSITY LAW GROUP, P.C.

5
6 By: 

Larry W. Lee

Attorneys for Plaintiff

1 **PROOF OF SERVICE**

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

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

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

10 On August 18, 2021, I served the following document(s) described as: **SECOND**
11 **AMENDED COMPLAINT** on the interested parties in this action as follows:

12 Phillip J. Eskenazi
13 peskenazi@HuntonAK.com
14 Kirk Hornbeck
15 khornbeck@hunton.com
16 Brandon Marvisi
17 bmarvisi@HuntonAK.com
18 HUNTON ANDREWS KURTH LLP
19 550 South Hope Street, Suite 2000
20 Los Angeles, California 90071-2627
21 *Attorneys for Defendant,*
22 *Bath & Body Works, LLC*

23 X BY ELECTRONIC MAIL: by personally sending a true and correct copy of
24 the above-described document(s) to the party(ies) listed above or on the attached mailing list
25 from the e-mail server diversitylaw.com, to the electronic transmission address of the recipient(s)
26 indicated above or on the attached mailing list. I certify that said electronic transmission was
27 completed and that all pages were received by the party(ies) identified herein or on the attached
28 mailing list.

I declare under penalty of perjury under the laws of the State of California that the
above is true and correct. Executed on August 18, 2021, at Los Angeles, California.

25 
26 Erika Mejia