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Attorneys for Plaintiff and Aggrieved Employees

Assigned for all Purposes
Judge William Claster

CX-104

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE

MATTHEW MILLER as an individual and on
behalf of all others similarly situated, and as a
private attorney general,

Plaintiff,

vs.

STANBRIDGE UNIVERSITY, a California
corporation; and DOES 1 through 50, inclusive,

Defendants.

Case No. 30-2021-01206298-CU-OE-CXC

REPRESENTATIVE ACTION COMPLAINT

**(1) Violations of the California Labor Code
(Lab. Code §§ 2698 et seq.)**

DEMAND OVER \$25,000.00

1 Plaintiff Matthew Miller (“Plaintiff”) hereby submits this Representative Action Complaint
2 against Defendant Stanbridge University (“Defendant”) and Does 1-50 (hereinafter collectively referred
3 to as “Defendants”), as an individual and on behalf of himself and other Aggrieved Employees of
4 Defendant for penalties for violations of the California Labor Code, as follows:

5 INTRODUCTION

6 1. This representative action is within the Court’s jurisdiction under California Labor Code
7 sections 201, 202, 203, 204, 210, 218, 218.5, 218.6, 225.5, 221-224, 226, 226.3, 1194, 1194.2, 1197,
8 1197.1, 2802 and 2698 *et seq.*, the Private Attorney General Act (“PAGA”) and the California Industrial
9 Welfare Commission’s (“IWC”) Wage Orders.

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

12 3. Plaintiff is informed and believes and based thereon alleges that Defendants jointly and
13 severally have acted intentionally and with deliberate indifference and conscious disregard to the rights
14 of all employees by failing to pay all wages due to Plaintiff and other aggrieved employees. Defendant
15 unlawfully withheld earned wages for unauthorized deductions from Plaintiff and other aggrieved
16 employees.

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

21 JURISDICTION AND VENUE

22 5. The Court has jurisdiction over the violations of the California Labor Code sections 201,
23 202, 203, 204, 210, 218, 218.5, 218.6, 225.5, 221-224, 226, 226.3, 1194, 1194.2, 1197, 1197.1, 2802
24 and 2698 *et seq.*

25 6. Venue is proper in the County of Orange because Defendant maintains operations in
26 Irvine and Plaintiff worked for Defendant in Irvine.

27 PARTIES

28 7. Plaintiff was employed by Defendant during the approximate period of September 2020
to on or about April 2, 2021.

1 8. Plaintiff was and is the victim of the policies, practices, and customs of Defendant
2 complained of in this action in ways that have deprived him of the rights guaranteed by California
3 Labor Code sections 201, 202, 203, 204, 210, 218, 218.5, 218.6, 225.5, 221-224, 226, 226.3, 1194,
4 1194.2, 1197, 1197.1, 2802 and 2698 *et seq.*

5 9. Plaintiff is informed and believes that Stanbridge University was and is a California
6 corporation.

7 10. Plaintiff is informed and believes that Defendant and Does 1 through 50, were and are
8 corporations, business entities, individuals, or partnerships that are and were licensed to do business and
9 doing business in the State of California.

10 11. As such, and based upon all the facts and circumstances incident to Defendants' business
11 in California, Defendants are subject to California Labor Code sections 201, 202, 203, 204, 210, 218,
12 218.5, 218.6, 225.5, 221-224, 226, 226.3, 1194, 1194.2, 1197, 1197.1, 2802 and 2698 *et seq.* and the
13 IWC Wage Orders.

14 12. Plaintiff does not know the true names or capacities of the defendants sued herein as
15 Does 1 through 50, whether individual, partner, or corporate, and for that reason, said defendants are
16 sued under such fictitious names. Plaintiff prays for leave to amend this Complaint when the true names
17 and capacities are known. Plaintiff is informed and believes that each of said fictitious defendants was
18 responsible in some way for the matters alleged herein and proximately caused the illegal employment
19 practices, wrongs, and injuries complained of herein.

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

25 14. Plaintiff is informed and believes and based thereon alleges that at all times material
26 hereto, each of the Defendants named herein was the agent, employee, alter ego and/or joint venturer of,
27 or working in concert with each of the other co-defendants and was acting within the course and scope
28 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.

15. 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.

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

FIRST CAUSE OF ACTION

Violation of Labor Code §§ 2698 Et Seq.

(By Plaintiff and Aggrieved Employees Against All Defendants)

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

18. Pursuant to the Labor Code Private Attorneys General Act of 2004, Labor Code section 2698 et seq. Plaintiff brings this cause of action for violation of PAGA as a proxy for the State of California and in this capacity, will seek penalties on behalf of all Aggrieved Employees from April 14, 2020, through the present, for Defendant's violations of Labor Code sections 201, 202, 203, 204, 210, 218, 218.5, 218.6, 225.5, 221-224, 226, 226.3, 1194, 1194.2, 1197, 1197.1 and 2802, arising from Defendant's policy and practice of: (a) unlawfully deducting and withholding earned wages from employees, in violation of Labor Code sections 201, 202, 203, 204 and 221 to 224; (b) failing to pay or timely pay all due wages during or at the end of employment, in violation of Labor Code sections 201, 202, 203, 204, 1194, 1194.2, 1197 and 1197.1; (c) failing to provide wage statements that accurately itemize either the deductions made on written orders of the employee or the net wages earned, in violation of Labor Code section 226(a); and (d) failing to reimburse employees for all necessary

1 business expenditures, including the costs associated with the direct deposit of wages, in violation of
2 Labor Code section 2802.

3 19. Defendant unlawfully deducted and withheld earned wages from Plaintiff and Aggrieved
4 Employees. During each pay period in which Plaintiff and Aggrieved Employees were paid wages via
5 direct deposit, Defendant charged the employees \$1.00. The corresponding wage statements identified
6 such charges as “Direct Deposit.” To date, Plaintiff has yet to receive the wages owed to him.
7 Furthermore, as a result of the aforementioned violations, the wage statements provided to Plaintiff and
8 Aggrieved Employees did not accurately show the deductions authorized by the employee or the net
9 wages earned. Additionally, Defendant failed to reimburse Plaintiff and Aggrieved Employees for all
10 necessary business expenditures, including the costs associated with the direct deposit of wages.

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

15 21. On or about April 14, 2021, Plaintiff sent written notice to the California Labor &
16 Workforce Development Agency (“LWDA”) of Defendant’s violations of Labor Code sections 201,
17 202, 203, 204, 210, 218, 218.5, 218.6, 225.5, 221-224, 226, 226.3, 1194, 1194.2, 1197, 1197.1 and
18 2802, pursuant to Labor Code section 2698 *et seq.* As of the date of the filing of this Complaint, the
19 LWDA has yet to provide notice to Plaintiff as to whether it intends to investigate the violations
20 provided for in the written notice. In addition to the LWDA, Plaintiff also sent his written notice to
21 Defendant via certified mail according to Labor Code section 2699.3.

22 22. As such, pursuant to Labor Code section 2699(a), Plaintiff will seek recovery of any and
23 all applicable civil penalties for Defendant’s violation of Labor Code sections 201, 202, 203, 204, 210,
24 218, 218.5, 218.6, 225.5, 221-224, 226, 226.3, 1194, 1194.2, 1197, 1197.1 and 2802, for the time period
25 described above, on behalf of himself and other Aggrieved Employees.

26 **PRAYER FOR RELIEF**

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

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

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

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

6
7 DATED: June 17, 2021

DIVERSITY LAW GROUP, P.C.

8 By: 

9 Larry W. Lee
10 Kristen M. Agnew
11 Nicholas Rosenthal
12 Attorneys for Plaintiff
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