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

ANTONIO RIOS, as an individual and on
behalf of all others similarly situated,

Case No.:

30-2021-01210748-CU-OE-CXC

Plaintiff,

**REPRESENTATIVE ACTION COMPLAINT
FOR VIOLATION OF LABOR CODE § 2698,
ET SEQ**

vs.

SHASTA BEVERAGES, INC., a Delaware
corporation; and DOES 1 through 50,
inclusive,

DEMAND OVER \$25,000.00

Defendants.

1 Plaintiff Antonio Rios (“Plaintiff”) hereby submits this Representative Action Complaint
2 (“Complaint”) against Defendant Shasta Beverages, Inc. (“Defendant”), and Does 1 through 50
3 (collectively, “Defendants”), on behalf of himself and other aggrieved employees of Defendant,
4 for penalties pursuant to the Private Attorneys General Act (“PAGA”) for Defendant’s violations
5 of the California Labor Code, as follows:

6 **INTRODUCTION**

7 1. This complaint is within the Court’s jurisdiction under California Labor Code
8 §§ 201-203 and 246, 2698, et seq., and the California Industrial Welfare Commission’s (“IWC”)
9 Wage Orders.

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

12 3. Plaintiff is informed and believes, and based thereon alleges, that Defendants,
13 jointly and severally, have acted intentionally and with deliberate indifference and conscious
14 disregard to the rights of all employees by failing to properly calculate the rate of pay for paid
15 sick time and pay all wages due upon separation from employment.

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

20 **JURISDICTION AND VENUE**

21 5. The Court has jurisdiction over the violations of the California Labor Code
22 §§ 201-203 and 246, 2698, et seq.

23 6. Venue is proper in Orange County because Plaintiff resides in Buena Park,
24 California.

25 **PARTIES**

26 7. Plaintiff was employed by Defendants as a lead in the Shipping and Receiving
27 Department until approximately the end of March 2021. Plaintiff worked as an hourly non-
28 exempt employee.

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
3 California Labor Code §§ 201-203 and 246, 2698, et seq.

4 9. Plaintiff is informed and believes, and based thereon alleges, that Shasta
5 Beverages, Inc. is a Delaware corporation that manufactures beverages and operates locations in
6 the State of California, including in Orange County, California.

7 10. Plaintiff is informed and believes, and based thereon alleges, that at all times
8 herein mentioned Does 1 through 50, are and were corporations, business entities, individuals,
9 and partnerships, licensed to do business and actually doing business in the State of California.
10 As such, and based upon all the facts and circumstances incident to Defendants' business,
11 Defendants are subject to the California Labor Code.

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

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

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

1 remaining Defendants confirmed and ratified said acts, conduct, and omissions of the acting
2 Defendants.

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

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

13 **FIRST CAUSE OF ACTION**

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

15 **(BY PLAINTIFF AND AGGRIEVED EMPLOYEES AGAINST ALL**
16 **DEFENDANTS)**

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

19 17. Plaintiff brings this cause of action for violation of PAGA as a proxy for the State
20 of California and in this capacity, will seek penalties on behalf of all Aggrieved Employees from
21 May 3, 2020, through the present, for Defendants' violations of Labor Code §§ 201-203 and 246,
22 arising from Defendants' practice and policy of failing to calculate the proper rate of pay for sick
23 pay in violation of Labor Code § 246 and pay all wages owed upon separation of employment in
24 violation of Labor Code §§ 201-203.

25 18. Based on the above-stated Labor Code violations, Plaintiff is an "aggrieved
26 employee" as defined in Labor Code § 2699(a). As such, Plaintiff will bring this cause of action
27 on behalf of the State of California for violations committed against all similarly situated
28 Aggrieved Employees of Defendants.

1 19. On or about May 3, 2021, Plaintiff sent written notice to the California Labor &
2 Workforce Development Agency ("LWDA") of Defendants' violations of Labor Code §§ 201-
3 203 and 246, pursuant to PAGA. As of the date of the filing of this Complaint, the LWDA has
4 yet to provide notice to Plaintiff as to whether it intends to investigate the violations provided for
5 in the written notice. In addition to the LWDA, Plaintiff also sent his written notice to
6 Defendants via certified mail according to Labor Code § 2699.3.

7 20. As such, pursuant to Labor Code § 2699(a), Plaintiff will seek recovery of any
8 and all applicable civil penalties for Defendants' violation of Labor Code §§ 201-203 and 246,
9 for the time period described above, on behalf of himself and other Aggrieved Employees.

10 **PRAYER FOR RELIEF**

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

13 1. Upon the First Cause of Action, for penalties pursuant to California Labor Code §
14 2698 et seq., and for costs and attorneys' fees;

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

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

18
19 DATED: July 12, 2021

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21
22 By: 
23 Larry W. Lee
24 Max W. Gavron
25 Attorneys for Plaintiff and the Class
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