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

ILA FORD, as an individual and on behalf
of all others similarly situated,

Plaintiff,

vs.

CALIFORNIA HEALTH AND
RECOVERY SOLUTIONS, P.C., a
California corporation; and DOES 1 through
50, inclusive,

Defendants.

Case No.: BCV-21-101962

**PAGA REPRESENTATIVE ACTION
COMPLAINT FOR:**

**(1) VIOLATION OF LABOR CODE § 2698,
ET SEQ., THE PRIVATE ATTORNEYS
GENERAL ACT**

DEMAND OVER \$25,000.00

1 Plaintiff Ila Ford ("Plaintiff") hereby submits this PAGA Representative Action
2 Complaint ("Complaint") against Defendant California Health and Recovery Solutions, P.C.
3 ("Defendant") and Does 1 through 50 (collectively, "Defendants"), on behalf of herself and all
4 other aggrieved employees of Defendants for penalties pursuant to the Private Attorneys General
5 Act, Labor Code § 2698, *et seq.* ("PAGA"), for Defendants' violations of the California Labor
6 Code, as follows:

7 **INTRODUCTION**

8 1. This Complaint is within the Court's jurisdiction under California Labor Code
9 §§ 226 and 2698, *et seq.*

10 2. This Complaint challenges systemic illegal employment practices resulting in
11 violations of the California Labor Code against individuals who worked for 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 provide complete and accurate itemized
15 wage statements to Plaintiff and Class Members.

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 by creating and maintaining policies, practices, and customs that knowingly deny its employees
19 the above stated rights and benefits.

20 **JURISDICTION AND VENUE**

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

23 6. Venue is proper because Defendants do business in Kern County, and Plaintiff
24 worked for Defendants in Kern County, specifically in Bakersfield, California.

25 **PARTIES**

26 7. Plaintiff is currently employed by Defendant as a Licensed Vocational Nurse
27 (LVN). Plaintiff began her employment with Defendant in about July 2019, and works as an
28 hourly, non-exempt employee.

1 8. Plaintiff was and is the victim of the policies, practices, and customs of
2 Defendants complained of in this action in ways that have deprived her of the rights guaranteed
3 by California Labor Code §§ 226 and 2698.

4 9. Plaintiff is informed and believes, and based thereon alleges, that Defendant
5 California Health and Recovery Solutions, P.C. was and is a California corporation that provides
6 healthcare services. Plaintiff is informed and believes, and based thereon alleges, that Defendant
7 operates and maintains business locations and facilities in Bakersfield, California.

8 10. Plaintiff is informed and believes, and based thereon alleges, that at all times
9 herein mentioned Defendant and Does 1 through 50, are and were corporations, business entities,
10 individuals, and partnerships, licensed to do business and actually doing business in the State of
11 California. As such, and based upon all the facts and circumstances incident to Defendants'
12 business, Defendants are subject to California Labor Code § 226.

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

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

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

1 within the course and scope of such agency, employment, joint venture, or concerted activity.

2 To the extent said acts, conduct, and omissions were perpetrated by certain Defendants, each of
3 the remaining Defendants confirmed and ratified said acts, conduct, and omissions of the acting
4 Defendants.

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

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

15 **FIRST CAUSE OF ACTION**

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

17 **(BY PLAINTIFF AND AGGRIEVED EMPLOYEES AGAINST ALL DEFENDANTS)**

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

20 17. Plaintiff brings this cause of action as a proxy for the State of California and in
21 this capacity, seeks penalties on behalf of all current and former non-exempt employees who
22 worked for Defendants in the State of California and were paid shift differential wages, including
23 without limitation, “Shift Diff2,” “Shift Diff3,” and “Wkend Worked” wages, at any time from
24 June 7, 2020, through the present (“Aggrieved Employees”), for Defendants’ violations of Labor
25 Code § 226(a).

26 18. Defendants have failed in their affirmative obligation to provide accurate itemized
27 wage statements in violation of Labor Code § 226(a). Labor Code § 226(a) requires employers
28 to provide itemized wage statements to its employees that identify accurate information,

1 including without limitation, all applicable hourly rates of pay and hours worked.

2 19. Here, Plaintiff and Aggrieved Employees were not provided accurate itemized
3 wage statements that listed the requirements under Labor Code § 226(a) whenever shift
4 differential wages, such as “Shift Diff2,” “Shift Diff3,” and “Wkend Worked” wages were paid.
5 In particular, whenever shift differential wages were paid to Plaintiff and Aggrieved Employees,
6 Defendants failed to identify the applicable rates of pay and corresponding number of hours
7 worked used to calculate said shift differential wages on wage statements issued to Plaintiff and
8 Aggrieved Employees. Instead, Defendants have a policy and practice of only identifying the
9 amount of shift differential wages paid as a lump sum, without any breakdown as to the hourly
10 rates and applicable number of hours worked, in violation of Labor Code § 226(a)(9).

11 20. On or about June 7, 2021, Plaintiff sent written notice to the California Labor &
12 Workforce Development Agency (“LWDA”) of Defendants’ violations of Labor Code § 226(a),
13 pursuant to the PAGA. Plaintiff also provided notice of said Labor Code violations to Defendant
14 via certified mail pursuant to the PAGA.

15 21. As of the date of the filing of this Complaint, the LWDA has not responded to
16 Plaintiff’s written notice nor indicated that it intends to investigate the Labor Code violations
17 provided for in the written notice.

18 22. As such, pursuant to Labor Code § 2699(a), Plaintiff seeks recovery of any and all
19 applicable civil penalties for Defendants’ violations of Labor Code § 226(a), for the time period
20 described above, on behalf of herself and other Aggrieved Employees.

21 **PRAYER FOR RELIEF**

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

24 1. Upon the First Cause of Action, for the full amount of penalties pursuant to
25 California Labor Code §§ 226.3 and 2698, *et seq.*, and for costs and attorneys’ fees;

26 2. For such other and further relief that the Court may deem just and proper.

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1 DATED: August 24, 2021

DIVERSITY LAW GROUP, P.C.

2
3 By: 

Larry W. Lee

Mai Tulyathan

4 Attorneys for Plaintiff and the Aggrieved
5 Employees