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Clerk of the Superior Court
By Regina Chanez, Deputy Clerk

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO

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

Plaintiff,

vs.

MISSION BAY MANAGEMENT, LLC, a
Delaware limited liability company; and DOES 1
through 50, inclusive,

Defendants.

Case No. 37-2021-00035853-CU-OE-CTL

**REPRESENTATIVE ACTION COMPLAINT
UNDER THE LABOR CODE PRIVATE
ATTORNEYS GENERAL ACT OF 2004**

DEMAND OVER \$25,000.00

1 Plaintiff, Chris Alvarado, as a proxy for the State of California, submits this Complaint against
2 Defendant, Mission Bay Management, LLC, and Does 1 through 50 (collectively, “Defendants”).

3 INTRODUCTION

4 1. Pursuant to the Labor Code Private Attorneys General Act of 2004, Labor Code section
5 2698 et seq. (“PAGA”), this representative action Complaint challenges systemic employment practices
6 resulting in violations of the California Labor Code against individuals who worked for Defendants.
7 The Complaint seeks penalties and other relief pursuant to, among other provisions, Labor Code
8 sections 204, 210, and 2698 et seq.¹

9 2. Plaintiff is informed and believes that Defendants have jointly and severally acted
10 intentionally and with deliberate indifference and conscious disregard to the rights of employees by
11 failing to pay Plaintiff and other aggrieved employees their earned wages in a timely manner.
12 Specifically, Defendants fail to pay Plaintiff and other employees their earned wages within seven days
13 of the last day of the pay period. Defendants thus violate Section 204.

14 3. The Labor Code is broadly remedial in nature. Its laws serve an important public interest
15 in establishing minimum working conditions and requirements in California. These labor standards
16 protect employees from onerous terms and conditions of employment or exploitation by employers who
17 have superior economic and bargaining power. Plaintiff is informed and believes that Defendants have
18 engaged in, among other things, a system of willful violations of the Labor Code by creating and
19 maintaining policies, practices, and customs that knowingly deny its employees the above stated rights
20 and benefits.

21 4. Defendants’ pattern, practice, and uniform administration of corporate policy in violation
22 of the Labor Code is unlawful. Proof of a common business practice or factual pattern will establish the
23 rights of Plaintiff and aggrieved employees under Sections 204, 210, and 2698 et seq., applicable IWC
24 Wage Orders, and Code of Civil Procedure section 1021.5, among other provisions, to recover
25 applicable penalties, reasonable attorneys’ fees, and costs of suit.

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¹ Except as otherwise noted, all “Section” references are to the Labor Code.

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6. Venue is proper in the County of San Diego. Plaintiff worked for Defendants in San Diego, California.

7. Plaintiff began working for Defendants in or about June of 2020. Until his employment as a safety officer ended in or about April of 2021, Plaintiff was paid on an hourly basis as a non-exempt employee. Plaintiff worked was paid every two weeks, but he was not paid his wages earned during biweekly pay periods until more than seven days after the end of the pay periods. For example, for the pay period of August 28, 2020, through September 10, 2020, the wages earned during such pay period were not paid until September 18, 2020, which is more than seven days after the end of the pay period. Plaintiff thus is a victim of the policies, practices, and customs of Defendants complained of in this action in ways that have deprived him of rights guaranteed by the Labor Code.

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

10. At all times herein mentioned, each of said Defendants participated in the doing of the acts alleged herein. Defendants, and each of them, were the agents, servants, or employees of each of

1 the other Defendants, as well as the agents of all Defendants, and were acting within the course and
2 scope of said agency and employment.

3 11. Plaintiff is informed and believes that at all times material hereto, each of said
4 Defendants was the agent, employee, alter ego, or joint venturer of, or was working in concert with,
5 each of the other Defendants and was acting within the course and scope of such agency, employment,
6 joint venture, or concerted activity. To the extent said acts, conduct, or omissions were perpetrated by
7 certain Defendants, each of the remaining Defendants confirmed and ratified said acts, conduct, or
8 omissions of the acting Defendants.

9 12. Plaintiff is informed and believes that at all times material hereto each of the Defendants
10 (i) aided and abetted the acts and omissions of each of the other Defendants in proximately causing the
11 alleged harms, or (ii) were members of, engaged in, and acting within the course and scope of, and in
12 pursuance of, a joint venture, partnership, or common enterprise.

13 **FIRST CAUSE OF ACTION**

14 **Violation of Labor Code §§ 2698 et seq.**

15 **(By Plaintiff as a Proxy for the State Against All Defendants)**

16 13. The preceding paragraphs are re-alleged and incorporated by this reference.

17 14. Pursuant to PAGA, Plaintiff sues as a proxy for the State of California. On or about May
18 28, 2021, Plaintiff sent written notice to the Labor & Workforce Development Agency (“LWDA”) of
19 specific facts and theories for Defendants’ Labor Code violations under Sections 204, 210, and 2698 et
20 seq. Plaintiff simultaneously sent written notice to Defendants via certified mail. As of the date of the
21 filing of this Complaint, the LWDA has neither responded nor indicated that it intends to investigate the
22 allegations in the written notice.

23 15. Plaintiff seeks penalties for Defendants’ Labor Code violations committed against all
24 aggrieved employees since May 28, 2020, pursuant to Sections 204, 210, and 2698 et seq. As stated
25 herein, Defendants fail to pay Plaintiff and other aggrieved employees their earned wages in a timely
26 manner. Specifically, Defendants fail to pay Plaintiff and other employees their earned wages within
27 seven days of the last day of the pay period. Defendants thus violate Section 204. Under Section
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2699(c), Plaintiff is an “aggrieved employee,” as one or more of the alleged violations was committed against Plaintiff as an employee of Defendants.

16. As such, pursuant to Section 2699(a), (f), and (g), Plaintiff seeks recovery of all applicable penalties for Defendants’ violations against all aggrieved employees for the period described above.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment for herself 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 penalties pursuant to Section 2699(a), (f), and (g), and for costs and attorneys’ fees;

2. Upon each cause of action for attorneys’ fees and costs as provided by Section 2699, Code of Civil Procedure section 1021.5, and any other applicable laws; and

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

DATED: August 20, 2021

DIVERSITY LAW GROUP, P.C.

By: 

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