

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Barbara Scheper

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Attorneys for Plaintiff, LAKEITHSHA LONDON YOUNG,
as an aggrieved employee, and on behalf of all other
aggrieved employees

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT

LAKEITHSHA LONDON YOUNG, as an
aggrieved employee, and on behalf of all other
aggrieved employees under the Labor Code
Private Attorneys' General Act of 2004,

Plaintiff,

v.

AMAZON.COM LLC, a Delaware limited
liability company; AMAZON.COM, INC., a
Delaware corporation; PRIME NOW LLC, a
Delaware limited liability company;
AMAZON.COM SERVICES, LLC, a
Delaware limited liability company; and
DOES 1 through 100, inclusive,

Defendants.

CASE NO.: **21STCV38280**

REPRESENTATIVE ACTION

**COMPLAINT UNDER THE LABOR
CODE PRIVATE ATTORNEYS'
GENERAL ACT OF 2004 FOR CIVIL
PENALTIES UNDER LABOR CODE
SECTION 2699**

DEMAND FOR JURY TRIAL

[Amount in Controversy Greater Than
\$25,000.00]

COMES NOW plaintiff LAKEITHSHA LONDON YOUNG ("Plaintiff"), as aggrieved
employees, and on behalf of all other aggrieved employees under the Labor Code Private Attorneys'
General Act of 2004, and alleges as follows:

JURISDICTION AND VENUE

1. This is a representative action, pursuant to the Labor Code Private Attorneys General Act of 2004, codified at Labor Code section 2698, *et seq.* (“PAGA”), against AMAZON.COM LLC, and any of its respective subsidiaries or affiliated companies within the State of California (“AMAZON LLC”), AMAZON.COM, INC., and any of its respective subsidiaries or affiliated companies within the State of California (“AMAZON INC.”), PRIME NOW LLC, and any of its respective subsidiaries or affiliated companies within the State of California (“PRIME”), AMAZON.COM SERVICES, LLC and any of its respective subsidiaries or affiliated companies within the State of California (“AMAZON SERVICES” and, with AMAZON LLC, AMAZON INC., PRIME and DOES 1 through 100, as further defined below, “Defendants”), as a proxy of the Labor and Workforce Development Agency of the State of California (“LWDA”), on behalf of Plaintiff and all other current and former employees of Defendants working within the Civil Penalty Period (collectively, “Aggrieved Employees”).

2. Jurisdiction exists in the Superior Court of the State of California pursuant to Code of Civil Procedure section 410.10.

3. Venue is proper in Los Angeles County, California pursuant to Code of Civil Procedure sections 392, *et seq.* because, among other things, Los Angeles County is where the causes of action complained of herein arose; the county in which the employment relationship began; the county in which performance of the employment contract, or part of it, between Plaintiff, and Defendants, or some of them, was due to be performed; the county in which the employment contract, or part of it, between Plaintiff and Defendants was actually performed; and the county in which Defendants, or some of them, reside. Moreover, the unlawful acts alleged herein have a direct effect on Plaintiff and Aggrieved Employees in Los Angeles County, and because Defendants employ numerous Aggrieved Employees in Los Angeles County.

4. Plaintiff is an “aggrieved employee” under PAGA, as Plaintiff was employed by Defendants during the applicable statutory period and suffered one or more of the Labor Code violations set forth herein. Accordingly, Plaintiff seeks to recover civil penalties, as the term “civil penalty” is defined under *ZB N.A. v. Superior Court* (2019) 8 Cal.5th 175, under the Labor Code

1 Private Attorneys General Act of 2004, codified at Labor Code section 2698, *et seq.* ("PAGA") plus
2 reasonable attorneys' fees and costs, for Plaintiff and all other aggrieved current and former
3 employees of Defendants during the Civil Penalty Period.

4 5. Specifically, Plaintiff seeks to recover PAGA civil penalties through a representative
5 action permitted by PAGA and the California Supreme Court in, among other authorities, *Arias v.*
6 *Superior Court* (2009) 46 Cal.4th 969. According to the same authorities, class certification of the
7 PAGA allegations described herein is not required.

8 6. During the period beginning one (1) year preceding the provision of notice to the
9 LWDA regarding the herein-described Labor Code violations (the "Civil Penalty Period"),
10 Defendants violated, *inter alia*, Labor Code sections 96, 98.6, 232, 232.5, 1102.5 and 1197.5, among
11 others.

12 7. Labor Code section 2699, subdivisions (a) and (g), authorizes aggrieved employees
13 such as Plaintiff, on behalf of Plaintiff and all other aggrieved current and former employees within
14 the statutory period, to bring a civil action to recover civil penalties pursuant to the procedures
15 specified in Labor Code section 2699.3.

16 8. On or around July 30, 2021, Plaintiff provided written notice pursuant to Labor Code
17 section 2699.3 online and by certified mail, with return receipt requested, of Defendants' violation
18 of various, including the herein-described, provisions of the Labor Code, to the LWDA, as well as
19 by certified mail, with return receipt requested to Defendants, and each of them.

20 9. Pursuant to Labor Code section 2699.3, subdivision (a)(2)(A), the LWDA did not
21 provide notice of its intention to investigate Defendants' alleged violations within sixty-five (65)
22 calendar days of the July 30, 2021 postmarked date of the herein-described notice sent by Plaintiff
23 to the LWDA and Defendants.

24 **PAGA REPRESENTATIVE ALLEGATIONS**

25 10. At all relevant times mentioned herein, Defendants had and have a policy or practice
26 of preventing Plaintiff and/or Aggrieved Employees from using or disclosing the skills, knowledge
27 and experience they obtained at Defendants for purposes of competing with Defendants, including,
28 without limitation, preventing Aggrieved Employees from disclosing their wages in negotiating a

1 new job with a prospective employer, and from disclosing who else works at Defendants and under
2 what circumstances that they might be receptive to an offer from a rival employer. Plaintiff is
3 informed and believes that this policy and/or practice violates Business and Professions Code
4 sections 17200, 16600 and 16700, and, by virtue thereof, various provisions of the Labor Code,
5 including Labor Code sections 232, 232.5, and 1197.5, subdivision (k).

6 11. Defendants had and have a policy or practice of preventing Plaintiff and/or other
7 Aggrieved Employees from disclosing violations of state and federal law, either within Defendants
8 to their managers or outside to private attorneys or government officials, among others, in violation
9 of Business and Professions Code section 17200, and, thus, in violation of Labor Code section
10 1102.5. In addition, Plaintiff is informed and believes that Defendants' herein-described policies
11 and/or practices prevent Plaintiff and/or other Aggrieved Employees from disclosing information
12 about unsafe or discriminatory working conditions, or about wage and hour violations in violation
13 of Labor Code section 232 and 232.5.

14 12. Defendants had and have a policy or practice of preventing Plaintiff and/or other
15 Aggrieved Employees from engaging in lawful conduct during non-work hours, thus violating state
16 statutes entitling employees to disclose wages, working conditions, and illegal conduct, including,
17 without limitation, Labor Code sections 96, subdivision (k), 98.6, 232, 232.5, and 1197.5,
18 subdivision (k). Plaintiff is informed and believes that this lawful conduct includes the exercise of
19 Plaintiff's and/or other Aggrieved Employee's constitutional rights of freedom of speech and
20 economic liberty.

21 13. Plaintiff, in Plaintiff's representative capacity, seeks civil penalties under Labor
22 Code section for the herein-described acts, which violate the California Labor Code as described
23 above, including on behalf of Plaintiff and other Aggrieved Employees pursuant to PAGA.

24 **PARTIES**

25 **A. Plaintiff**

26 14. Plaintiff is a resident of the State of California. At all relevant times herein, Plaintiff
27 is informed and believes, and based thereon alleges that Defendants employed Plaintiff as an
28 employee, with duties that included, but were not limited to, packing merchandise and preparing

1 items for distribution. Plaintiff is informed and believes that Plaintiff worked for Defendants from
2 approximately February of 2021 through at least March of 2021.

3 **B. Defendants**

4 15. Plaintiff is informed and believes and based thereon alleges that defendant
5 AMAZON LLC is, and at all times relevant hereto was, a limited liability company organized and
6 existing under and by virtue of the laws of the State of Delaware and doing business in the County
7 of Los Angeles, State of California.

8 16. Plaintiff is informed and believes and based thereon alleges that defendant
9 AMAZON INC. is, and at all times relevant hereto was, a corporation organized and existing under
10 and by virtue of the laws of the State of Delaware and doing business in the County of Los Angeles,
11 State of California.

12 17. Plaintiff is informed and believes and based thereon alleges that defendant
13 AMAZON SERVICES is, and at all times relevant hereto was, a limited liability company organized
14 and existing under and by virtue of the laws of the State of Delaware and doing business in the
15 County of Los Angeles, State of California.

16 18. Plaintiff is informed and believes and based thereon alleges that defendant PRIME
17 is, and at all times relevant hereto was, a limited liability company organized and existing under and
18 by virtue of the laws of the State of Delaware and doing business in the County of Los Angeles,
19 State of California.

20 19. The true names and capacities, whether individual, corporate, associate, or otherwise,
21 of defendants sued herein as DOES 1 through 100, inclusive, are currently unknown to Plaintiff,
22 who therefore sues defendants by such fictitious names under Code of Civil Procedure section 474.
23 Plaintiff is informed and believes and based thereon alleges that each of the defendants designated
24 herein as DOE is legally responsible in some manner for the unlawful acts referred to herein.
25 Plaintiff will seek leave of court to amend this Complaint to reflect the true names and capacities of
26 the defendants designated hereinafter as DOES when such identities become known. Plaintiff is
27 informed and believes, and based thereon alleges, that each defendant acted in all respects pertinent
28 to this action, as the agent of the other defendant(s), carried out a joint scheme, business plan or

1 policy in all respects pertinent hereto, and the acts of each defendant are legally attributable to the
2 other defendants. Whenever, heretofore or hereinafter, reference is made to "Defendants," it shall
3 include AMAZON LLC, AMAZON.COM, AMAZON SERVICES, PRIME, and any of their
4 parent, subsidiary, or affiliated companies within the State of California, as well as DOES 1 through
5 100 identified herein.

6 **FIRST CAUSE OF ACTION**

7 **(Civil Penalties Under Labor Code § 2699 – Against All Defendants)**

8 20. Plaintiff re-alleges each and every allegation set forth in the preceding paragraphs
9 and incorporates each by reference as though fully set forth hereat.

10 21. Pursuant to Labor Code section 2699, subdivision (a), notwithstanding any other
11 provision of law, any provision of the Labor Code that provides for a civil penalty to be assessed
12 and collected by the LWDA or any of its departments, divisions, commissions, boards, agencies or
13 employees for a violation of the Labor Code may, as an alternative, be recovered through a civil
14 action brought by an aggrieved employee on behalf of himself or herself and other current or former
15 employees pursuant to the procedures specified in Labor Code section 2699.3.

16 22. Pursuant to Labor Code section 2699, subdivision (f), for all provisions of the Labor
17 Code except those for which a civil penalty is specifically provided, the established civil penalty for
18 a violation of those provisions is as follows: if, at the time of the alleged violation, the person
19 employs one or more employees, the civil penalty is one hundred dollars (\$100) for each aggrieved
20 employee per pay period for the initial violation and two hundred dollars (\$200) for each aggrieved
21 employee per pay period for each subsequent violation.

22 23. Plaintiff is informed and believes and based thereon alleges that Defendants, and
23 each of them, violated the Labor Code sections described herein, including, without limitation, for
24 placing restraints on competition, whistleblowing and freedom of speech, entitling Plaintiff and
25 other Aggrieved Employees to civil penalties for each of these Labor Code violations in the amounts
26 set forth in Labor Code section 2699, subdivision (f).

27 24. Moreover, Plaintiff and other Aggrieved Employees within the State of California
28 whom he seeks to represent are entitled to an award of reasonable attorneys' fees and costs in

1 connection with their herein-described claims for civil penalties.

2 **REQUEST FOR JURY TRIAL**

3 25. Plaintiff hereby requests a trial by jury.

4 **PRAYER**

5 **WHEREFORE**, on behalf of Plaintiff and Aggrieved Employees, Plaintiff prays for
6 judgment against Defendants as follows:

- 7 A. An award of civil penalties pursuant to Labor Code section 2699;
8 B. An award of reasonable attorneys' fees and costs pursuant to Labor Code section
9 2699;
10 C. Pre-judgment and post-judgment interest;
11 D. For costs of suit incurred herein; and
12 E. Such other and further relief as the Court deems just and proper.

13 Dated: October 18, 2021

BIBIYAN LAW GROUP, P.C.

14
15 BY: 

16 SARA EHSANI-NIA
17 DAVID D. BIBIYAN

18 Attorneys for Plaintiff LAKEITHSHA
19 LONDON YOUNG, as an aggrieved
20 employee, and on behalf of all other aggrieved
21 employees under the Labor Code Private
22 Attorneys' General Act of 2004.
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