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Superior Court Of California,
Sacramento
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By _____, Deputy
Case Number:
34-2021-00307289

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Attorneys for Plaintiff and the Class

BY FAX
SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO

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

Plaintiff,

vs.

AIR TRANSPORT INTERNATIONAL, INC., a
Delaware corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No. 34-2021-00307289

**FIRST AMENDED CLASS AND
REPRESENTATIVE ACTION COMPLAINT
FOR:**

- (1) Violation of Lab. Code § 226(a)
- (2) Violation of Lab. Code § 2698 et seq.

DEMAND OVER \$25,000.00

1 On behalf of himself and other similarly situated current and former employees of Defendants
2 and as a proxy for the State of California, Plaintiff, Rene Velasquez, submits this First Amended Class
3 and Representative Action Complaint (the “Complaint”) against Defendant, Air Transport International,
4 Inc., and Does 1 through 50 (collectively, “Defendants”).

5 INTRODUCTION

6 1. This class and representative action seeks penalties and other relief for Defendants’
7 failure to furnish Plaintiff and other employees with wage statements that comply with California Labor
8 Code section 226(a).¹ Specifically, Defendants fail to furnish Plaintiff and other employees with wage
9 statements that show Defendants’ legal name and address. Instead, wage statements simply show “AIR
10 TRANSPORT INTERNATIONAL” without any address for the employer. Defendants thus violate
11 Section 226(a).

12 JURISDICTION AND VENUE

13 2. The Complaint seeks relief exceeding \$25,000.00. The Court has jurisdiction of
14 Defendants’ violations of Sections 226 and 2698 et seq.

15 3. Plaintiff worked for Defendants in Sacramento, California. Venue is proper.

16 PARTIES

17 4. Plaintiff was employed by Defendants as an aircraft mechanic. Until his employment
18 with Defendants ended in July of 2021, Plaintiff was furnished with wage statements that fail to show
19 any address for the employer. Plaintiff thus is a victim of the policies, practices, and customs of
20 Defendants complained of in this action in ways that have deprived him of the rights guaranteed by the
21 Labor Code.

22 5. Plaintiff is informed and believes that Air Transport International, Inc. was and is a
23 Delaware corporation. Plaintiff is informed and believes that at all times herein mentioned named
24 defendants and Does 1 through 50, were and are corporations, business entities, individuals, or
25 partnerships that are and were licensed to do business and actually doing business in California.

26 6. Plaintiff does not know the true names or capacities of the defendants sued herein as
27 Does 1 through 50, whether individual, partner, or corporate, and for that reason, said defendants are
28

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

1 sued under such fictitious names. Plaintiff prays for leave to amend this Complaint when the true names
2 and capacities are known. Plaintiff is informed and believes that each of said fictitious defendants was
3 responsible in some way for the matters alleged herein and proximately caused the illegal employment
4 practices, wrongs, and injuries complained of herein.

5 7. Plaintiff is informed and believes that Defendants have jointly and severally acted
6 intentionally and with deliberate indifference and conscious disregard to the rights of employees by
7 failing to provide accurate and complete wage statements. Plaintiff is informed and believes that
8 Defendants have engaged in, among other things, a system of willful violations of the Labor Code by
9 creating and maintaining policies, practices, and customs that knowingly deny its employees the above
10 stated rights and benefits.

11 8. At all times herein mentioned, each of said Defendants participated in the doing of the
12 acts alleged herein. Defendants, and each of them, were the agents, servants, or employees of each of
13 the other Defendants, as well as the agents of all Defendants, and were acting within the course and
14 scope of said agency and employment.

15 9. Plaintiff is informed and believes that at all times material hereto, each of said
16 Defendants was the agent, employee, alter ego, or joint venturer of, or was working in concert with,
17 each of the other Defendants and was acting within the course and scope of such agency, employment,
18 joint venture, or concerted activity. To the extent said acts, conduct, or omissions were perpetrated by
19 certain Defendants, each of the remaining Defendants confirmed and ratified said acts, conduct, or
20 omissions of the acting Defendants.

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

25 CLASS ACTION ALLEGATIONS

26 11. **Definition:** Pursuant to Code of Civil Procedure section 382, Plaintiff seeks class
27 certification of all current and former employees of Defendants in the State of California who were paid
28 wages at any time since September 1, 2020 (the "Class").

1 12. **Numerosity and Ascertainability:** The members of the Class are so numerous that
2 joinder of all members would be impractical, if not impossible. Plaintiff is informed and believes that
3 Defendants violated Section 226 against Plaintiff and the Class by failing to furnish Plaintiff and the
4 Class with wage statements that show Defendants' address. The identities of the members of the Class
5 are readily ascertainable by review of Defendants' records, including payment or payroll records.

6 13. **Adequacy of Representation:** Plaintiff is fully prepared to take all necessary steps to
7 represent fairly and adequately the interests of the Class defined above. Plaintiff's attorneys are ready,
8 willing, and fully able to adequately represent Plaintiff and the Class. Plaintiff's attorneys have
9 prosecuted and settled wage-and-hour class actions in the past and continue to litigate numerous wage-
10 and-hour class actions currently pending in California state and federal courts.

11 14. **Common Question of Law and Fact:** There are predominant common questions of law
12 and fact and a community of interest amongst the claims of Plaintiff and of the Class. Plaintiff is
13 informed and believes that Defendants uniformly administer a corporate policy and practice of routinely
14 failing to furnish Plaintiff and the Class with wage statements that show Defendants' address.

15 15. **Typicality:** The claims of Plaintiff are typical of the claims of all members of the Class
16 in that Plaintiff suffered the alleged harms in a similar and typical manner as other members of the Class
17 suffered. As with other members of the Class, Plaintiff was furnished with wage statements that fail to
18 show any address for the employer. Plaintiff thus is a member of the Class and has suffered the alleged
19 violations of the Labor Code.

20 16. The Labor Code is broadly remedial in nature. Its laws serve an important public interest
21 in establishing minimum working conditions and requirements in California. These labor standards
22 protect employees from onerous terms and conditions of employment or exploitation by employers who
23 have superior economic and bargaining power.

24 17. The nature of this action and the format of laws available to Plaintiff and members of the
25 Class make the class action format a particularly efficient and appropriate procedure to redress the
26 wrongs alleged herein. If each employee were required to file an individual lawsuit, the corporate
27 Defendants would necessarily gain an unconscionable advantage since they would be able to exploit and
28 overwhelm the limited resources of each individual plaintiff with their vastly superior financial and

1 legal resources. Requiring each member of the Class to pursue an individual remedy would also
2 discourage the assertion of lawful claims by employees who would be disinclined to file an action
3 against their former or current employer for real and justifiable fear of retaliation and permanent
4 damage to their careers at their current or subsequent employment.

5 18. The prosecution of separate actions by individual members of the Class, even if possible,
6 would create a substantial risk of (a) inconsistent or varying adjudications with respect to individual
7 members of the Class that would establish potentially incompatible standards of conduct for
8 Defendants, or (b) adjudications with respect to individual members of the Class that would, as a
9 practical matter, be dispositive of, or substantially impair or impede the ability to protect, the interests
10 of other members of the Class not parties to the adjudications. Further, the claims of the individual
11 members of the Class are not sufficiently large to warrant vigorous individual prosecution considering
12 the concomitant costs and expenses.

13 19. Defendants' pattern, practice, and uniform administration of corporate policy in violation
14 of the Labor Code is unlawful. Proof of a common business practice or factual pattern will establish the
15 rights of Plaintiff and the Class under Section 226, applicable IWC Wage Orders, and Code of Civil
16 Procedure section 1021.5 to recover applicable penalties, reasonable attorneys' fees, and costs of suit.

17 **FIRST CAUSE OF ACTION**

18 **Inaccurate Itemized Wage Statements (Lab. Code § 226(a))**

19 **(By Plaintiff and the Class Against All Defendants)**

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

21 21. Section 226(a) requires an employer to furnish to its employees itemized wage
22 statements that show accurate information, including without limitation, the name and address of the
23 legal entity that is the employer.

24 22. As a matter of policy and practice, Defendants fail to provide itemized wage statements
25 that comply with Section 226(a). Plaintiff and the Class are furnished wage statements that do not show
26 Defendants' legal name and address. Instead, wage statements simply show "AIR TRANSPORT
27 INTERNATIONAL" without any address for the employer. Defendants thus violate Section 226(a).

1 23. As a result, Plaintiff and the Class suffered injuries, including employee confusion over
2 the employer address required by, for example, applications for unemployment benefits, or written
3 notices to the Labor and Workforce Development Agency. Such delays injured Plaintiff and the Class.

4 24. Such a pattern, practice, and uniform administration of corporate policy is unlawful and
5 entitles Plaintiff and the Class to recover applicable penalties, actual damages and interest thereon,
6 attorneys' fees, and costs of suit.

7 **SECOND CAUSE OF ACTION**

8 **Civil Penalties (Lab. Code § 2698 et. seq.)**

9 **(By Plaintiff Against All Defendants)**

10 25. The preceding paragraphs are re-alleged and incorporated by this reference.

11 26. Pursuant to the Labor Code Private Attorneys General Act of 2004, Labor Code §§ 2698
12 et seq. ("PAGA"), Plaintiff brings this cause of action as a proxy for the State of California. In this
13 capacity, Plaintiff seeks penalties for Defendants' violations of Section 226(a) committed against all
14 aggrieved employees of Defendants in the State of California since July 29, 2020.

15 27. As stated herein, Defendants furnished wage statements that do not show the name and
16 address of the legal entity that was the employer. Instead, wage statements simply show "AIR
17 TRANSPORT INTERNATIONAL" without any address for the employer. Under Section 2699(c),
18 Plaintiff is an "aggrieved employee," as one or more of the alleged violations was committed against
19 Plaintiff as an employee of Defendants.

20 28. On or about July 29, 2021, Plaintiff sent written notice to the Labor & Workforce
21 Development Agency ("LWDA") of Defendants' violations of Section 226(a). Plaintiff simultaneously
22 sent written notice to Defendants via certified mail. The LWDA has not elected to investigate the
23 allegations. As such, pursuant to Section 2699(a) and (g), Plaintiff seeks recovery of all applicable
24 penalties for Defendants' violations against all aggrieved employees for the period described above.

25 **PRAYER FOR RELIEF**

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

28 1. For an order certifying the proposed Class and subclasses;

2. For an order appointing Plaintiff as the representative of the Class;

3. For an order appointing Counsel for Plaintiff as Class Counsel;

4. Upon the First Cause of Action for penalties, actual damages, and costs and attorneys' fees pursuant to Section 226;

5. Upon the Second Cause of Action for penalties, and costs and attorneys' fees pursuant to Section 2699(a), (f), and (g);

6. Upon each cause of action for attorneys' fees and costs as provided by the Labor Code and Code of Civil Procedure section 1021.5; and

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

DATED: January 11, 2022

DIVERSITY LAW GROUP, P.C.

By: _____

Larry W. Lee
Simon L. Yang
Attorneys for Plaintiff

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