

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Robert Draper

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Latrease Lipsey on Behalf of All
Aggrieved Employees

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – STANLEY MOSK COURTHOUSE

LATREASE LIPSEY, on behalf of all
aggrieved employees,

Plaintiff,

vs.

DLF LOGISTICS LLC., a California Limited
Liability Corporation; and DOES 1 through
100, inclusive,

Defendants.

CASE NO.: 22STCV10500

**COMPLAINT FOR VIOLATION OF THE
CALIFORNIA PRIVATE ATTORNEYS
GENERAL ACT, LABOR CODE
SECTION 2698, et seq. ("PAGA")**

[UNLIMITED CIVIL]

[JURY TRIAL DEMANDED]

1 Plaintiff Latrease Lipsey (hereinafter "Plaintiff"), in a representative capacity on behalf of
2 all aggrieved employees, alleges and states as follows:

3 **JURISDICTION AND VENUE**

4 1. This action is brought pursuant to the California Private Attorneys General Act, -
5 Cal. Labor Code sections 2698, et seq. The penalties and other remedies sought by Plaintiff exceed
6 the minimal jurisdiction limits of the Superior Court and will be established according to proof at
7 trial. The amount in controversy for Plaintiff, including claims for compensatory damages and
8 attorneys' fees is less than \$75,000.00. It is believed that the total sum owed to the Aggrieved
9 Employees ("Aggrieved Employees" is defined for all purposes herein as all non-exempt
10 employees of Defendant DLF Logistics LLC ("Defendant") in California) alleged herein is less
11 than \$5,000,000.00, based upon the anticipated number of Aggrieved Employees and the amount
12 in controversy for each member of the Aggrieved Employee population.

13 2. This Court has jurisdiction over this action and the matters alleged herein pursuant
14 to the grant of original jurisdiction set forth in Article VI, Section 10 of the California Constitution.
15 The statutes under which this action is brought do not specify any other basis for jurisdiction.

16 3. This Court has jurisdiction over Defendant, and each of them, because, upon
17 information and belief, each Defendant is either a citizen of California, has sufficient minimum
18 contacts in California, or otherwise intentionally avails itself of the California market so as to render
19 the exercise of jurisdiction over it by this Court consistent with traditional notions of fair play and
20 substantial justice.

21 4. Venue is proper in this Court, because, upon information and belief, the named
22 Defendant resides, transacts business, or has offices in this county, and the acts or omissions alleged
23 herein took place in this county.

24 **THE PARTIES**

25 5. At all times relevant herein, Plaintiff was, and is, an individual residing in the City
26 of Los Angeles, County of Los Angeles, State of California.

27 6. Plaintiff is informed and believes, and based thereon alleges, that at all times
28 relevant herein, Defendant DLF Logistics LLC is a California Limited Liability Corporation based

1 in the City of Los Angeles, County of Los Angeles, State of California.

2 7. Plaintiff is unaware of the true names and capacities of Defendants named herein as
3 DOES 1 through 100, inclusive, and therefore sues these Defendants by such fictitious names.
4 Plaintiffs will amend this Complaint to allege such names and capacities when the same has been
5 ascertained. Plaintiff is informed and believes, and based thereon alleges, that each of the
6 fictitiously named Defendants stated herein bears a legal responsibility to Plaintiffs similar to that
7 of the named Defendant herein.

8 8. At all times mentioned herein, Defendants DOES 1 through 100, inclusive, were the
9 agents, servants, and employees of their Co-Defendants, and in doing the things herein alleged were
10 acting in the scope of their authority as such agents, servants, and employees, and with the
11 permission and consent of their Co-Defendants.

12 9. Plaintiff hereby demands a trial by jury.

13 **FACTS COMMON TO ALL CAUSES OF ACTION**

14 10. Defendant is a California Limited Liability Corporation that operates a branded
15 Amazon delivery service provider.

16 11. Plaintiff began working for Defendant in or about September 2019 as a delivery
17 driver, a non-exempt hourly position.

18 12. Plaintiff and other aggrieved employees would work over eight (8) hours in day
19 and/or over twelve (12) hours in a day and/or over forty (40) hours in a week without receiving
20 overtime premium pay.

21 13. Defendant has not established a legitimate alternative work week pursuant to the
22 California labor code and relevant industrial wage orders, including failing to provide affected
23 employees with a written agreement with the proposal of the alternative schedule.

24 14. Due to the improperly implemented alternate work week schedule, Plaintiff and
25 aggrieved employees were and are entitled to rest periods, meal periods, and payment of minimum,
26 regular and overtime compensation pursuant to the California Labor Code. However, throughout
27 Plaintiff's employment with Defendant, she was and is the victim of unlawful, uniform and
28 systematic practices that resulted in continual violation of rights owed to Plaintiff and Defendant's

1 other aggrieved employees as alleged herein.

2 **FIRST CAUSE OF ACTION**

3 **(Violation of California Labor Code Section 2698, et seq. (PAGA) – Against all Defendants)**

4 15. Plaintiff refers to and incorporates herein by reference paragraphs 1 through 14 as
5 though fully set forth herein.

6 16. California Labor Code section 2698, et seq., the Private Attorneys General Act
7 (“PAGA”), allows an aggrieved employee to bring suit against an employer for violations of most
8 California Labor Code provisions, including, but not limited to, violations of violations of
9 California Labor Code sections, 201, 202, 203, 204, 226, 226.3, 226.7, 510, 511, 512, 558, 558.1,
10 1174, 1194, 1197, 1197.1, and 1198. By virtue of Defendant’s numerous violations of the
11 California Labor Code as against Plaintiff as described herein, Plaintiff is an aggrieved employee
12 as defined in California Labor Code section 2698, et seq.

13 17. Defendant’s acts constitute an ongoing unlawful activity prohibited by the
14 California Labor Code, and, therefore, these acts constitute violations of the PAGA.

15 18. On July 15, 2021, Plaintiff provided notice of these violations pursuant to
16 California Labor Code section 2699.3 and has specifically asked the CLWDA if it intends to
17 investigate the alleged violations. *See* Exhibit A attached hereto. Plaintiff’s case was assigned
18 Case Number LWDA-CA-838079-21. did not receive a response back from the CLWDA within
19 the time limits outlined in California Labor Code section 2699.3 with notification that it intends
20 to investigate the alleged violations, and thus, Plaintiff is entitled to prosecute her PAGA claims
21 under California Labor Code section 2699, et seq.

22 19. Defendant’s conduct of violating the California Labor Code constitutes violations
23 of the PAGA.

24 20. Therefore, Plaintiff requests penalties against Defendant under the provisions of
25 PAGA section 2699(f).

26 21. The proper measure of damages and penalties under the PAGA is all aggrieved
27 employees, whether a party to this action or not. Further, this claim needs no certification to
28 proceed with class-wide recovery. *See Arias v. Superior Court*, 46 Cal. 4th 969, 970-975 (2009).

1 22. Further, as a direct and proximate result of the conduct of Defendant, as set forth
2 above, Plaintiffs were forced to incur substantial attorney's fees and costs which are recoverable
3 under California Labor Code Section 2699(g)(1).

4 WHEREFORE, Plaintiffs prays for judgment against Defendant and DOES 1 through 100,
5 inclusive, and each of them, jointly and severally, as follows:

- 6 1. That the Court impose penalties against Defendant on behalf of Plaintiffs and all
7 aggrieved employees according to the Private Attorneys General Act ("PAGA");
- 8 2. For reasonable attorneys' fees and for costs of suit incurred herein; and
- 9 3. For such other and further relief as this Court may deem just, fair, and proper.

10 DATED: March 25, 2022

11 Respectfully Submitted,
12 BARKHORDARIAN LAW FIRM, PLC

13 /s/ Heather K. Cox

14 Gregory P. Wong

15 Heather K. Cox

16 Attorneys for Plaintiff Latrease Lipsey
17 on behalf of all aggrieved employees
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