

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: RESCUE ELECTRIC CORPORATION, a
(**AVISO AL DEMANDADO**): California corporation, and DOES 1
through 10, inclusive

YOU ARE BEING SUED BY PLAINTIFF: LEONIDES TREJO, on behalf
(**LO ESTÁ DEMANDANDO EL DEMANDANTE**): of himself and all
"aggrieved employees" pursuant to Labor Code § 2698 et
seq.

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

EL DORADO CO. SUPERIOR CT.

FILED NOV 04 2021

BY C MAHAN
Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):
Superior Court of California, County of El Dorado
3321 Cameron Park Drive
Cameron Park, CA 95682

CASE NUMBER:
(Número del Caso):

21CV0106

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: Alex P. Katofsky, Esq.
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Gaines & Gaines, APLC

27200 Agoura Road, Suite 101, Calabasas, CA 91301

818-703-8985

DATE:
(Fecha) NOV 04 2021

Clerk, by
(Secretario)

C MAHAN, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

Assigned to
Judge Dylan Sullivan
For all purposes

3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ other (specify):

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (authorized person)

4. ☐ by personal delivery on (date):

ISSUED

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
 Alex P. Katofsky, Esq. SBN: 202754
 Gaines & Gaines, APLC
 27200 Agoura Road, Suite 101, Calabasas, CA 91301
 TELEPHONE NO.: 818-703-8985 FAX NO. (Optional): 818-703-8984
 E-MAIL ADDRESS: alex@gaineslawfirm.com
 ATTORNEY FOR (Name): Plaintiff, Leonides Trejo

FOR COURT USE ONLY

EL DORADO CO. SUPERIOR CT.

FILED NOV 04 2021

BY C MAHAN
Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO

STREET ADDRESS: 3321 Cameron Park Drive

MAILING ADDRESS: 3321 Cameron Park Drive

CITY AND ZIP CODE: Cameron Park, CA 95682

BRANCH NAME: Cameron Park Branch

CASE NAME: Trejo v. Rescue Electric Corporation, et al.

CIVIL CASE COVER SHEET

☒ **Unlimited** (Amount demanded exceeds \$25,000)
☐ **Limited** (Amount demanded is \$25,000 or less)

Complex Case Designation

☐ Counter ☐ Joinder
 Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

21CV0106

JUDGE:

DEPT.:

Assigned to
Judge Dylan Sullivan
For all purposes

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

- ☐ Auto (22)
☐ Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- ☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)
☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

- ☐ Business tort/unfair business practice (07)
☐ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PI/PD/WD tort (35)

Employment

- ☐ Wrongful termination (36)
☒ Other employment (15)

Contract

- ☐ Breach of contract/warranty (06)
☐ Rule 3.740 collections (09)
☐ Other collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property

- ☐ Eminent domain/Inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer

- ☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review

- ☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

- ☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

- ☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

- ☐ RICO (27)
☐ Other complaint (not specified above) (42)

Miscellaneous Civil Petition

- ☐ Partnership and corporate governance (21)
☐ Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses
 b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
 c. ☐ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): One (1)

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 11/3/21

Alex P. Katofsky, Esq.

(TYPE OR PRINT NAME)



Alex P. Katofsky

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

BY FAX

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)–Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/
Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice–
Physicians & Surgeons
Other Professional Health Care
Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of
Emotional Distress
Negligent Infliction of
Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach–Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/
Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case–Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse
Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ–Administrative Mandamus
Writ–Mandamus on Limited Court Case Matter
Writ–Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal–Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

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Facsimile: (818) 703-8984

Attorneys for Plaintiff Leonides Trejo, on behalf of himself and all "aggrieved employees" pursuant to Labor Code § 2698 *et seq.*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF EL DORADO**

LEONIDES TREJO, on behalf of himself and
all "aggrieved employees" pursuant to Labor
Code § 2698 *et seq.*,

Plaintiffs,

v.

RESCUE ELECTRIC CORPORATION, a
California corporation, and DOES 1 through
10, inclusive,

Defendants.

CASE NO: 21CV0106

**REPRESENTATIVE ACTION
COMPLAINT FOR PENALTIES
PURSUANT TO LABOR CODE § 2699(f)
FOR VIOLATIONS OF LABOR CODE
§§ 201, 202, 226(a), 226.7, 510, 512, 1194,
1198.5 AND 2802 AND PURSUANT TO
LABOR CODE § 2699(a) FOR
VIOLATIONS OF LABOR CODE §§ 226.3
AND 558**

BY FAX

EL DORADO CO. SUPERIOR CT.

FILED NOV 04 2021
BY **C MAHAN**
Deputy

Assigned to
Judge Dylan Sullivan
For all purposes

1 Plaintiff LEONIDES TREJO ("Plaintiff"), on behalf of himself and others as an "aggrieved
2 employee" under the Labor Code Private Attorneys General Act of 2004, complains of RESCUE
3 ELECTRIC CORPORATION, a California corporation, and/or any subsidiaries or affiliated
4 companies (hereinafter referred to as "Defendants"), as follows:

5 I.

6 **INTRODUCTION AND FACTUAL BACKGROUND**

7 1. This is a Representative Action, pursuant to Labor Code § 2698 *et seq.*, on behalf of
8 Plaintiff and other California employees who currently work or formerly worked for Defendants
9 ("Aggrieved Employees").

10 2. For at least one (1) year prior to the filing of this action and at least one (1) year prior
11 to the date Plaintiff began the process of exhausting the administrative requirements, pursuant to
12 Labor Code § 2698 *et seq.*, and continuing to the present (the "liability period"), Defendants have had
13 consistent policies of:

14 a. Failing to properly pay Plaintiff and other non-exempt Aggrieved Employees
15 all wages due for all overtime hours worked, in violation of Labor Code §§ 510, 558 and 1194.
16 Defendants failed to pay Plaintiff and other non-exempt Aggrieved Employees at the correct rate of
17 pay when they worked overtime hours. Plaintiff and other non-exempt Aggrieved Employees worked
18 over 8 hours in one workday and over 40 hours in one workweek, but were only paid straight time,
19 instead of one and one-half times the regular rate of pay for this time. As a result, Plaintiff and other
20 non-exempt Aggrieved Employees are owed significant overtime wages;

21 b. Failing to pay premium wages at the proper rates to Plaintiff and other non-
22 exempt Aggrieved Employees who were denied proper meal periods, in violation of Labor Code §§
23 226.7, 512, 558 and IWC Wage Order 16-2001. Plaintiff and non-exempt Aggrieved Employees
24 were routinely denied, and not authorized to take, a proper, timely, uninterrupted, 30-minute meal
25 period for every shift worked that exceeded five hours, or a second proper, timely, uninterrupted, 30-
26 minute meal period for every shift worked that exceeded ten hours, but were not paid premium wages
27 of one hour's pay at the regular rate of pay for each missed first or second meal period. When they
28

1 were able to take a meal period, they were oftentimes late, cut short, or on-duty, in violation of Labor
2 Code §§ 226.7, 512 and 558 and IWC Wage Order 16-2001;

3 c. Failing to pay premium wages at the proper rates to Plaintiff and other non-
4 exempt Aggrieved Employees who were denied rest periods, in violation of Labor Code §§ 226.7,
5 558 and IWC Wage Order No. 16-2001. Plaintiff and non-exempt Aggrieved Employees were
6 routinely unable to take a 10-minute rest period for every four (4) hours of work or major fraction
7 thereof, but were not paid premium wages of one hour's pay at the regular rate of pay for each missed
8 rest period. When they were able to take a rest period, they were oftentimes late, cut short or on-duty,
9 in violation of Labor Code §§ 226.7, 558 and IWC Wage Order No. 16-2001;

10 d. Failing to issue accurately itemized wage statements to Plaintiff and all other
11 Aggrieved Employees that fully and accurately itemized the requirements set forth in Labor Code §
12 226(a). Plaintiff and other non-exempt Aggrieved Employees were not paid all wages due, as stated
13 above. As such, the wage statements provided by Defendants failed to accurately state all gross wages
14 earned, in violation of Labor Code §§ 226(a)(1) and 226.3, total hours worked, in violation of Labor
15 Code §§ 226(a)(2) and 226.3, net wages earned, in violation of Labor Code §§ 226(a)(5) and 226.3,
16 and all applicable hourly rates in effect during the pay period and the corresponding number of hours
17 worked at each hourly rate, in violation of Labor Code §§ 226(a)(9) and 226.3. Separately, the wage
18 statements issued to Plaintiff and other Aggrieved Employees failed to set forth the address of the
19 legal entity that is the employer, in violation of Labor Code §§ 226(a)(8) and 226.3. An employer
20 address is missing from the wage statements;

21 e. Failing to reimburse Plaintiff and other Aggrieved Employees for all necessary
22 expenditures incurred in direct consequence of the discharge of their duties, in violation of Labor
23 Code § 2802. Defendants required Plaintiff and other Aggrieved Employees to use their personal
24 vehicles, among other things, for work-related purposes but failed to reimburse them for their use.
25 Plaintiff and other Aggrieved Employees must be reimbursed for these expenses pursuant to Labor
26 Code § 2802;

27 f. Failing to make the contents of Plaintiff's personnel records available for
28 inspection to Plaintiff or his representative at reasonable intervals and at reasonable times, but not

1 later than 30 calendar days from the date Defendant received a written request, in violation of Labor
2 Code § 1198.5. Plaintiff demanded the production of his employee file, however, Defendant refused
3 to produce it within the time limits required by Labor Code § 1198.5; and

4 g. Failing to pay Plaintiff and certain non-exempt Aggrieved Employees all
5 wages due at the separation of their employment based on the time frames required by Labor Code
6 §§ 201 and 202. As stated above, Plaintiff and other non-exempt Aggrieved Employees were not
7 paid all wages due during the course of their employment and, as a result of this failure, they were
8 not timely paid all wages due at the separation of their employment. This violates Labor Code §§
9 201-202 and is alleged on behalf of Plaintiff and certain non-exempt Aggrieved Employees no longer
10 employed by Defendants.

11 3. Plaintiff, on behalf of himself and all Aggrieved Employees pursuant to Labor Code §
12 2698 *et seq.*, seeks civil penalties for Defendants' violations of the California Labor Code.

13 4. Venue is proper in this judicial district, pursuant to Code of Civil Procedure § 395.
14 The Labor Code violations alleged against Defendants herein arose throughout California, including
15 in El Dorado County, California.

16 5. Pursuant to the Judicial Council's Emergency Rule 9 of the California Rules of Court,
17 Plaintiff's claims are subject to tolling from April 6, 2020 through October 1, 2020.

18 II.

19 PARTIES

20 A. Plaintiff

21 6. Plaintiff Leonides Trejo was employed by Defendants in a non-exempt position from
22 2015 through July 2021.

23 B. Defendant

24 7. Defendant RESCUE ELECTRIC CORPORATION is a California corporation.
25 Defendant RESCUE ELECTRIC CORPORATION's principal place of business is located in El
26 Dorado County, California.

27 8. The true names and capacities, whether individual, corporate, associate, or otherwise,
28 of Defendants sued herein as DOES 1 to 10, inclusive, are currently unknown to Plaintiff, who

1 therefore sues Defendants by such fictitious names under Code of Civil Procedure § 474. Plaintiff is
2 informed and believes, and based thereon alleges, that each of the Defendants designated herein as a
3 DOE is legally responsible in some manner for the unlawful acts referred to herein. Plaintiff will
4 seek leave of court to amend this Complaint to reflect the true names and capacities of the Defendants
5 designated hereinafter as DOES when such identities become known.

6 9. Plaintiff is informed and believes, and based thereon alleges, that each Defendant acted
7 in all respects pertinent to this action as the agent of the other Defendant, carried out a joint scheme,
8 business plan or policy in all respects pertinent hereto, and the acts of each Defendant is legally
9 attributable to the other Defendants.

10 10. The Defendants named herein as DOE 1 through DOE 10 are and were persons acting
11 on behalf of, or acting jointly with, Defendants, who violated, or caused to be violated, one or more
12 provisions of the California Labor Code as alleged herein.

13 **III.**

14 **CAUSES OF ACTION**

15 **FIRST CAUSE OF ACTION**

16 **PLAINTIFF AND ALL AGGRIEVED EMPLOYEES AGAINST ALL DEFENDANTS**
17 **PENALTIES PURSUANT TO LABOR CODE § 2699(f) FOR VIOLATIONS OF LABOR**
18 **CODE §§ 201, 202, 226(a), 226.7, 510, 512, 1194, 1198.5 AND 2802 AND PURSUANT TO**
19 **LABOR CODE § 2699(a) FOR VIOLATIONS OF LABOR CODE §§ 226.3 AND 558**

20 11. Plaintiff incorporates paragraphs 1 through 10 of this Complaint as though fully set
21 forth herein.

22 12. As a result of the acts alleged above, including the Labor Code violations set forth in
23 paragraph 2 above, Plaintiff seeks civil penalties pursuant to Labor Code §§ 2698 *et seq.*

24 13. For each such violation, Plaintiff and all other Aggrieved Employees are entitled to
25 penalties and other relief in an amount to be shown at the time of trial subject to the following formula:

- 26 a. Pursuant to Labor Code § 2699(f), \$100 for each initial violation and \$200 for
27 each subsequent violation of Labor Code §§ 201, 202, 226(a), 226.7, 510, 512,
28 1194, 1198.5 and 2802; and

b. Pursuant to Labor Code § 2699(a), the penalties as authorized by Labor Code §§ 226.3 and 558.

14. Civil penalties recovered will be allocated 75% to the Labor and Workforce Development Agency, and 25% to the affected employees.

15. On August 16, 2021, Plaintiff sent a letter, by online submission to the LWDA and by certified mail, return receipt requested, to Defendant Rescue Electric Corporation setting forth the facts and theories of the violations alleged against Defendants, as prescribed by Labor Code § 2698 *et seq.* Pursuant to Labor Code § 2699.3(a)(2)(A), no notice was received by Plaintiff from the LWDA within sixty-five (65) calendar days of August 16, 2021. Plaintiff may therefore commence this action to seek civil penalties pursuant to Labor Code § 2698 *et seq.*

Wherefore, Plaintiff and the Aggrieved Employees he seeks to represent request relief as described below.

IV.

RELIEF REQUESTED

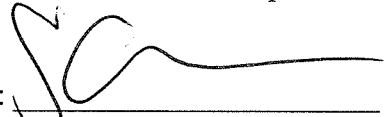
WHEREFORE, Plaintiff prays for the following relief:

1. For civil penalties pursuant to Labor Code § 2698 *et seq.* for Plaintiff and all other Aggrieved Employees;
2. An award providing for payment of costs of suit pursuant to Labor Code § 2699(g)(1) and other applicable law;
3. An award of attorneys' fees pursuant to Labor Code § 2699(g)(1) and other applicable law; and
4. Such other and further relief as this Court may deem just and proper.

Dated: November 3, 2021

Respectfully submitted,

GAINES & GAINES
A Professional Law Corporation

By: 
DANIEL F. GAINES
SEPIDEH ARDESTANI
Attorneys for Plaintiff

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO		EL DORADO CO. SUPERIOR CT.
3321 Cameron Park Drive Cameron Park, CA 95682		FILED NOV 04 2021 C MAHAN Deputy
TITLE OF CASE: LEONIDES TREJO vs. RESCUE ELECTRIC CORPORATION	CASE NUMBER 21CV0106	
NOTICE OF CASE ASSIGNMENT AND CASE MANAGEMENT CONFERENCE		

November 4, 2021

NOTICE OF CASE ASSIGNMENT AND CASE MANAGEMENT CONFERENCE
(Local Rule 7.12.05 and 7.12.06)

NOTICE IS HEREBY GIVEN that a CASE MANAGEMENT CONFERENCE in the above entitled case is set for 1:30 PM 03/07/2022 and 3321 Cameron Park Drive, Cameron Park, CA 95682.

A Case Management Statement must be filed and served not less than 15 days before the Conference.

If a party is demanding a jury trial, pursuant to Civil Code of Procedure section 631(b), a non-refundable jury fee of \$150.00 must be deposited with the court on or before the initial Case Management Conference date in this action. Failure to timely deposit the funds will result in a waiver of a jury trial.

At the CASE MANAGEMENT CONFERENCE, you will be assigned a Dispute Resolution Conference Date, a Mandatory Settlement Conference Date, and a Trial Date. In lieu of a Dispute Resolution Conference, the parties may elect mediation, binding arbitration, or judicial arbitration.

In addition, the court will make pre-trial orders.

The Court will require full compliance of El Dorado County Local Rules, in particular, the rules governing Trial Court Case Management (rule 7.12.00, etc.). For additional information regarding the Trial Court Case Management Program visit our website at: www.eldoradocourt.org You must be prepared to discuss all matters and dates which are the subjects of the Case Management Conference. Telephonic court appearances are provided through the Court. To sign up to appear by telephone please go to the court's website at <http://www.eldoradocourt.org/online services/vcourt.html> at least five (5) days prior to the scheduled conference.

CLERK'S CERTIFICATE OF SERVICE

I declare under penalty of perjury that I am over the age of 18 and not a party to the above action; that a copy of NOTICE OF CASE ASSIGNMENT AND CASE MANAGEMENT CONFERENCE was placed for mailing through either the United State Post Office or Inter-Departmental mail on the parties at the address shown herein. Executed on November 4, 2021, in Cameron Park, California.

Delivered to:

Attorney Alex Katofsky
27200 AGOURA RD STE 101
AGOURA HILLS, CA 91301

Tania Ugrin-Capobianco, Court Executive Officer

By: C MAHAN
Deputy Clerk