

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Michael Linfield

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10 Attorneys for: Plaintiff MARIA TORRES CISNEROS, individually and on behalf
11 of all other aggrieved employees

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF LOS ANGELES – CENTRAL**

14 MARIA TORRES CISNEROS, individually
15 and on behalf of all other aggrieved
16 employees,

17 Plaintiffs,

18 v.

19 COSWAY COMPANY, INC., an active
20 California Corporation; HORIZON
21 PERSONNEL SERVICES, INC., an active
22 California Corporation; and DOES 1 through
23 10,

24 Defendants.
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26
27
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Case No.: 21STCV37509

Assigned to:

Department:

Complaint Filed:

**COMPLAINT FOR VIOLATIONS
UNDER THE CALIFORNIA
PRIVATE ATTORNEYS GENERAL
ACT ("PAGA")**

1 Plaintiff MARIA TORRES CISNEROS ("Plaintiff") brings this action under the
2 California Private Attorneys General Act ("PAGA") on behalf of the State of
3 California, as the representative Plaintiff that includes herself and all other aggrieved
4 employees as described herein, and alleges:

- 5 1. At all relevant times hereto, Plaintiff MARIA TORRES CISNEROS is a resident
6 of the State of California, and was employed by Defendant COSWAY
7 COMPANY, INC. ("COSWAY") and Defendant HORIZON PERSONNEL
8 SERVICES, INC. ("HORIZON") (jointly referred to hereinafter as
9 "Defendants") in California from on or about June 10, 2020 through on or about
10 August 27, 2020.
- 11 2. At all times relevant hereto, Defendant COSWAY COMPANY, INC. and
12 Defendant HORIZON PERSONNEL SERVICES, INC. were active California
13 Corporations and were doing business in California. COSWAY is engaged in
14 the business of manufacturing, packaging, and distribution of personal care and
15 over-the-counter products and HORIZON is a staffing agency.
- 16 3. Plaintiff is ignorant of the true names, capacities, relationships and extent of
17 participation in the conduct herein alleged, of the Defendants sued herein as
18 Does 1 through 10, but she is informed and believes and thereon alleges that
19 said Defendants are legally responsible for the wrongful conduct alleged herein
20 and therefore sues these Defendants by such fictitious names under Code of
21 Civil Procedure § 474. Plaintiff will amend this Complaint to allege their true
22 names and capacities when ascertained.
- 23 4. Plaintiff is informed and believes and thereon alleges that each Defendant acted
24 in all respects pertinent to this action as the agent of the other Defendants,
25 carried out a joint scheme, business plan or policy in all respects pertinent
26 hereto, and the acts of each Defendant are legally attributable to the other
27 Defendants.
28

- 1 5. Venue is proper in this judicial district, pursuant to Code of Civil Procedure §
2 395. The County of Los Angeles is the proper venue, because work for
3 Defendants was performed by Plaintiff in the County of Los Angeles and the
4 legal obligations owed by Defendants to Plaintiff and other aggrieved
5 employees were breached in the County of Los Angeles.
- 6 6. This action is brought by Plaintiff on behalf of all aggrieved employees as
7 described as follows: All current and former non-exempt employees who
8 worked for Defendants in California during the covered time period.
- 9 7. On August 6, 2021, Plaintiff on behalf of the State of California, herself, and all
10 aggrieved employees provided written notice by online submission to the
11 Labor and Workforce Development Agency ("LWDA") and by certified mail to
12 Defendants that Defendants have violated and continue to violate the California
13 Labor Code. Plaintiff's claim was assigned case number LWDA-CM-840615-21
14 by the LWDA. A true and correct copy of Plaintiff's notice letter is attached
15 hereto as **Exhibit "A"**.
- 16 8. Pursuant to Lab. Code §2699.3(a), no response has been received from the
17 LWDA of its intent to prosecute within sixty-five (65) days of the postmark date
18 of August 6, 2021 regarding Plaintiff's allegations.
- 19 9. As a result, Plaintiff has exhausted all statutory procedures required of her
20 under Lab. Code §§ 2698, 2699, and 2699.3, and as a result, is justified as a
21 matter of right and law in bringing forward this claim and cause of action.
- 22 10. Defendants implemented the policy and practice of failing to properly pay
23 employees for all hours worked due to rounding and performance of off-the-
24 clock work.
- 25 11. Defendants engage in the practice of not allowing mandated meal breaks and
26 not compensating employees for any missed, late, or short meal breaks.
27 Employees did not receive premium pay for any missed, late, or short meal
28 period.

- 1 12. Defendants engage in the practice of not allowing mandated rest breaks and not
2 compensating employees for any missed, late, or short rest breaks. Employees
3 were regularly not afforded an opportunity to take rest breaks every four hours,
4 or major fraction thereof, they worked. Employees did not receive premium
5 pay for any missed rest breaks.
- 6 13. At the time of an employee's separation (whether it be by termination or
7 resignation) Defendants have failed to provide the employee with all monies
8 owed, including meal break premiums, rest break premiums, and unpaid
9 wages for work performed, including overtime and double-time wages to the
10 extent applicable.
- 11 14. Defendants have adopted a custom and practice of failing to provide wage
12 statements which reflect all hours worked during any pay period, whether or
13 not employees received all wages entitled to, including meal and rest break
14 premiums.
- 15 15. Defendants required that non-exempt employees use only clear bags and clear
16 bottles for personal effects but provided no reimbursement for same.
17 Defendants also required to travel to a location, separate from the jobsite, to
18 pick up their regular paychecks but provided no transportation or mileage
19 reimbursement for this travel.
- 20 16. Plaintiff and all other similarly aggrieved California employees intend to seek
21 all penalties for the violations described above, including but not limited to
22 Labor Code § 558.
- 23 17. The specific California Labor Code Sections violated under PAGA by
24 Defendant includes but are not limited to the following: Lab. Code §§201-203;
25 Lab. Code § 204; Lab. Code § 226; Lab. Code § 226.7; Lab. Code § 510; Lab. Code
26 § 512; Lab. Code § 1194; and Lab. Code § 2802.
- 27
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1 18. As a result of the acts alleged above, Plaintiff seeks penalties under Lab. Code §
2 2698 and 2699, and all other applicable sections, because of Defendants'
3 violations of the above stated provisions of the California Labor Code.

4 19. Pursuant to Lab. Code § 2699, civil penalties recoverable by aggrieved
5 employees shall be distributed seventy-five percent (75%) to the LWDA and
6 Plaintiff and all similarly aggrieved employees should be awarded twenty-five
7 percent (25%) of all penalties due under California law. Plaintiff shall be
8 entitled to reasonable attorneys' fees and costs.

9
10 **PRAYER FOR RELIEF**

11 **WHEREFORE**, Plaintiff prays judgment against Defendants as follows:

12 A. Pursuant to Lab. Code § 2699, Plaintiff and aggrieved employees should
13 be awarded twenty-five percent (25%) of all penalties due under California law, as
14 well as attorneys' fees and costs; the LWDA shall be awarded seventy-five percent
15 (75%) of all penalties due under California law;

16 B. Civil penalties pursuant to Labor Code § 558;

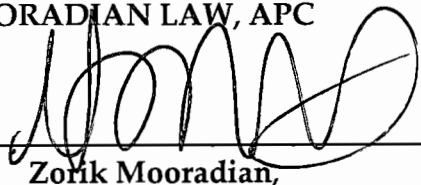
17 C. For costs of the suit incurred;

18 D. Reasonable attorney's fees and costs pursuant to statute, including, but
19 not limited to Labor Code § 218.5 and Code of Civ. Proc. § 1021.5; and

20 E. For such other relief that the Court may deem just and proper, including
21 prejudgment interest and costs.

22
23 DATED: October 12, 2021

MOORADIAN LAW, APC

24
25 By: 

Zorik Mooradian,

Haik Hacopian,

Attorneys for Plaintiff and aggrieved
26 employees
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