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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

DANNY HO,

Plaintiff,

vs.

SOUTH COAST CIRCUITS, INC., a
California Corporation; and DOES 1
through 100, inclusive,

Defendants.

Case No.: **22STCV11148**

**PLAINTIFF DANNY HO'S COMPLAINT
FOR DAMAGES FOR:**

- 1. FAILURE TO PROVIDE MEAL AND
REST PERIODS; LABOR CODE §§
226.7, 512, IWC Wage Order No. 4-
2001;**
- 2. VIOLATION OF CALIFORNIA
LABOR CODE §§ 2698, ET SEQ.
("PAGA");**

DEMAND FOR JURY TRIAL

Plaintiff, DANNY HO, alleges, on the basis of personal knowledge and/or
information and belief:

SUMMARY

1. This is an action by Plaintiff, DANNY HO, (hereafter, "Ho" or "Plaintiff"),
who was not provided meal and rest breaks in accordance with California law while
employed by Defendant SOUTH COAST CIRCUITS, INC., (hereafter "South Coast

1 Circuits”). Plaintiff Ho brings this action against Defendants for Defendants for economic
2 damages, pre-judgment interest pursuant to *Code of Civil Procedure* section 3291, and
3 costs and reasonable attorneys’ fees pursuant to *California Labor Code* sections 510,
4 1194(a), 201-203, 226, and 1198.5.

5 2. Plaintiff Additionally brings this action on behalf of himself and all other
6 Aggrieved Employees of Defendants, and as a Private Attorney General on behalf of the
7 State of California against Defendants for the recovery of civil penalties under the Private
8 Attorneys General Act of 2004, *California Labor Code* sections 2698, et seq. (“PAGA”),
9 based on violations of the *California Labor Code* for failure to provide proper meal and
10 rest periods.

11 3. All allegations in this Complaint are based upon information and belief
12 except for those allegations that pertain to Plaintiff named herein and his counsel. Each
13 allegation in this Complaint either has evidentiary support or is likely to have evidentiary
14 support after a reasonable opportunity for further investigation and discovery.

15 **PARTIES**

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17 4. *Plaintiff:* Plaintiff Ho is, and at all times herein mentioned was, a resident
18 of the County of Orange, California.

19 5. *Defendant:* Defendant South Coast Circuits is, and at all times herein
20 mentioned was, a limited liability company existing under the laws of the State of
21 California. Defendant South Coast Circuits is, and at all times mentioned in this
22 Complaint was, authorized to operate by the State of California and the United States
23 government and authorized and qualified to do business in the County of Los Angeles.
24 Defendant’s place of business is, and was, at 15505 Cornet Street, Santa Fe Springs, CA
25 90670.

26 6. *Doe Defendants:* Defendants Does 1 to 100, inclusive, are sued under
27 fictitious names pursuant to *Code of Civil Procedure* section 474. Plaintiff Ho is informed
28 and believes, and on that basis alleges, that each of the Defendants sued under fictitious

names is in some manner responsible for the wrongs and damages alleged below, in so acting was functioning as the agent, servant, partner, and employee of the Co-Defendants, and in taking the actions mentioned below was acting within the course and scope of his or her authority as such agent, servant, partner, and employee, with the permission and consent of the Co-Defendants. The named Defendants and Doe Defendants are sometimes hereafter referred to, collectively and/or individually, as "Defendants."

7. *Relationship of Defendants:* All Defendants were responsible for the events and damages alleged herein, including on the following bases: (a) Defendants committed the acts alleged; (b) at all relevant times, one or more of the Defendants was the agent or employee, and/or acted under the control or supervision, of one or more of the remaining Defendants and, in committing the acts alleged, acted within the course and scope of such agency and employment and/or is or are otherwise liable for Plaintiff's damages; (c) at all relevant times, there existed a unity of ownership and interest between or among two or more of the Defendants such that any individuality and separateness between or among those defendants has ceased, and Defendants are the alter egos of one another. Defendants exercised domination and control over one another to such an extent that any individuality or separateness of defendants does not, and at all times herein mentioned did not, exist. Adherence to the fiction of the separate existence of Defendants would permit abuse of the corporate privilege and would sanction fraud and promote injustice. All actions of all Defendants were taken by employees, supervisors, executives, officers, and directors during employment with all defendants, were taken on behalf of all Defendants, and were engaged in, authorized, ratified, and approved of by all other Defendants.

8. Finally, at all relevant times mentioned herein, all Defendants acted as agents of all other Defendants in committing the acts alleged herein.

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

2 9. *Plaintiff's hiring:* Plaintiff Ho was hired by Royal Flex Circuits in July 2018.
3 (Royal Flex Circuit later merged into surviving corporation "South Coast Circuits, Inc" on
4 July 21, 2021). Royal Flex Circuits hired him as Drill Technician. Plaintiff was an hourly
5 employee and paid at a rate of \$19 per hour.

6 10. *Defendant South Coast Circuits:*

7 a. South Coast Circuits manufactures and provides rigid, flex, rigid-flex and
8 ATE circuit board fabrication as well as PCB assembly for prototypes to mid-volume
9 production quantities.

10 11. *Defendant's adverse employment actions, unlawful conduct, and PAGA*
11 *violations:*

12 a. In July 2018, Plaintiff began his employment with Royal Flex Circuits as a
13 Drill Technician. His job required him to monitor and maintain CNC style machines, lens
14 machines, and other types of tooling.

15 b. During Plaintiff's employment, beginning in July 2018 and ending in
16 October 2021, he worked at 3 facility locations: 1) 15320 Cornet Street, Santa Fe Springs,
17 CA 90670, 2) 15505 Cornet Street, Santa Fe Springs, CA 90670, and 3) 3506 Lake Center
18 Dr. Santa Ana CA 92704

19 c. Plaintiff's work hours were from 5:00 am to 1:30 pm, Monday through
20 Friday, and every other Saturday. Plaintiff worked overtime hours almost every day.

21 d. Defendants required Plaintiff and other Aggrieved Employees to use
22 Automatic Data Processing's (ADP) timekeeping system and timecards to record hours
23 and breaks.

24 e. Plaintiff clocked-in and clocked-out using ADP's system whenever he would
25 arrive at work, take lunch breaks, and leave work.

26 f. For the entirety of Plaintiff's employment by Defendants, after a workday of
27 more than 5 hours, he was almost exclusively given his first 30-minute meal period late

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g. or not at all. On the rare occasions that plaintiff worked 10 or more hours in a single day, he never was given a second meal period.

h. For the entirety of Plaintiff's employment by Defendants, after a workday of 8 hours or more, he was almost exclusively given his two 10-minute rest periods late. Approximately 3-4 times a week, Plaintiff would not take his second rest break at all.

i. Upon information and belief, Aggrieved Employees were also not provided, were interrupted, or were unable to take meal and rest breaks.

j. Plaintiff did not have any express written agreement with Defendants to waive meal or rest breaks.

k. Defendants has violated and continues to violate *California Labor Code* §§ 226.7 and 512.

l. No meal or rest break premiums were paid to Plaintiff and other Aggrieved Employees.

12. *Economic damages:* As a consequence of Defendants' conduct, Plaintiff Ho has suffered and will suffer harm, including lost wages, unpaid expenses, and penalties, in a sum to be proven at trial.

13. *Exhaustion of administrative remedies:* On October 28, 2021, Plaintiff notified the California Labor and Workforce Development Agency ("LWDA"), via the LWDA online filing portal of Defendants' violations of the Labor Code and Plaintiff's intent to bring a claim for civil penalties under *California Labor Code* § 2698, et seq. with respect to violations of the *California Labor Code* identified above. This notice was also sent via Certified U.S. mail to Defendants on October 28, 2021. Now that at least sixty-five days have passed from Plaintiff notifying Defendants of these violations and the LWDA having taken no action, Plaintiff has exhausted his administrative requirements for bringing a claim under the PAGA with respect to these violations.

14. *Attorney's fees:* Plaintiff Ho has incurred and continues to incur legal expenses and attorneys' fees.

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1 **FIRST CAUSE OF ACTION**

2 **(Failure to Pay for Rest Breaks and Meal Periods—**

3 **Violation of Labor Code §§ 226.7, 512, And IWC Wage Order No. 4-2001—**

4 **Against Defendants South Coast Circuits and Does 1 to 100, Inclusive)**

5 15. Plaintiff Ho realleges and incorporates by reference all preceding
6 paragraphs, inclusive, as though set forth in full herein.

7 16. At all times herein mentioned, *Labor Code* sections 226.7 and 512 were in
8 full force and effect. Section 226.7 deals with uninterrupted rest breaks of 10 minutes per
9 rest break for every 4 hours worked. Section 512 deals with meal periods for 30 minutes
10 for every 5 hours worked. These statutes are also covered by state regulations contained
11 at *Cal. Code Regs.*, tit. 8, section 11040, subds. 11 & 12.

12 17. At all times herein mentioned during his employment with Defendants,
13 Plaintiff Ho was intentionally not provided with the opportunity to take lawful rest
14 periods or meal periods.

15 18. Defendants have time records provided by ADP, their payroll provider,
16 showing late or missing meal periods. The Supreme Court of California held that “time
17 records showing noncompliant meal periods raise a rebuttable presumption of meal
18 period violations, including at the summary judgment stage.” (*Donohue v. AMN Services,*
19 *LLC* (2021) 11 Cal.5th 58, 61).

20 19. Furthermore, the Supreme Court of California held that even slight or
21 marginal meal or rest break violations are treated the same as major violations. For
22 example, “we have ‘requir[ed] strict adherence to’ the Labor Code’s requirement that
23 employees receive two daily 10-minute rest periods and ‘scrupulously guarded against
24 encroachments on’ these periods.” (*Donohue v. AMN Services, LLC* (2021) 11 Cal.5th 58,
25 68) see also *Troester v. Starbucks Corp.* (2018) 5 Cal.5th 829, 844).

26 20. *Labor Code* section 512 has been clarified by the California Court of Appeal
27 to reject late meal periods as being acceptable under the law. They held that “provision of
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1 a late meal period does not satisfy California’s meal period requirements.” (*Carrington*
2 *v. Starbucks Corp.* (2018) 30 Cal.App.5th 504, 504.

3 21. Plaintiff Ho, pursuant to his statutory and regulatory remedies, is entitled
4 to one hour of pay for each day of employment he did not receive a meal period, as well
5 as one hour of pay for each day of employment which he did not receive a rest break(s),
6 for a maximum penalty of two additional hours of pay at the employee’s regular rate of
7 compensation for each day of violations, all in an amount according to proof at the trial
8 of the action.

9 22. Plaintiff Ho is entitled to prejudgment interest, and is also entitled to
10 attorneys’ fees and costs pursuant *Labor Code* section 218.5.

11 12 **SECOND CAUSE OF ACTION**

13 **(Civil Penalties Pursuant to Private Attorney General Act**

14 **(“PAGA”)—Labor Code § 2698, *et. seq.*—Against**

15 **Defendants South Coast Circuits and Does 1 to 100, Inclusive)**

16 23. Plaintiff Ho realleges and incorporates by reference all preceding
17 paragraphs, inclusive, as though set forth in full herein.

18 24. At all times herein mentioned, *Labor Code* §§ 2698-2699, the Labor Code
19 Private Attorneys General Act of 2004, expressly establishes that any provision of the
20 Labor Code, which provides for a civil penalty to be assessed and collected by the Labor
21 and Workforce Development Agency (“LWDA”), or any of its departments, divisions,
22 commissions, boards agencies or employees for a violation of the Labor Code, may be
23 recovered through a civil action brought by an aggrieved employee on behalf of himself
24 or herself, and other current or former employees.

25 25. Whenever the LWDA, or any of its departments, divisions, commissions,
26 boards, agencies, or employees has discretion to assess a civil penalty, a court in a civil
27 action is authorized to exercise the same discretion, subject to the same limitations and
28 conditions, to assess a civil penalty.

1 26. Plaintiff is an “Aggrieved Employee” as defined by *Labor Code* § 2698, et
2 seq., in that he is a former employee of Defendants, and one or more of the alleged
3 violations alleged in this Complaint was committed against him.

4 27. Defendants have committed several *Labor Code* violations against Plaintiff
5 and other Aggrieved Employees. Plaintiff, brings this representative action against
6 Defendants to recover the civil penalties due to Plaintiff, other aggrieved employees, and
7 the State of California according to proof, pursuant to *Labor Code* § 2699, including, but
8 not limited to: 1) the employer shall pay the employee one additional hour of pay at the
9 employee’s regular rate of compensation for each workday that the meal period is not
10 provided and (2) the employer shall pay the employee one additional hour of pay at the
11 employee’s regular rate of compensation for each workday that the rest period is not
12 provided, for a maximum penalty of two additional hours of pay at the employee’s regular
13 rate of compensation for each day of violations based on the following *Labor Code*
14 violations:

15 a. Defendants violated *Labor Code* §§ 226.7 and 512 by failing to provide
16 Plaintiff and other Aggrieved Employees uninterrupted and on-time rest and meal
17 periods, and/or provide a one-hour premium for each violation in lieu thereof;

18 28. Pursuant to *Labor Code* § 2699, Plaintiff, individually, and on behalf of all
19 Aggrieved Employees, and as a representative of the State of California, requests and is
20 entitled to recover from Defendants’ penalties according to proof, attorney’s fees, and
21 costs of suit herein.

22 29. In addition, Plaintiff seeks and is entitled to have 75 percent of all penalties
23 recovered pursuant to *Labor Code* §§ 2698, et seq., allocated to the LWDA and 25 percent
24 to the Aggrieved Employees.

25 30. Further, Plaintiff seeks and is entitled to recover reasonable attorney’s fees
26 and costs pursuant to *Labor Code*, including without limitation, sections 2699, et seq.,
27 218.5, et seq., and 210, et seq.

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31. Plaintiff, as a representative, will and does seek to recover any and all penalties for each and every violation shown to exist or to have occurred during the one-year period before Plaintiff filed his Notice with the LWDA of his intent to bring this action, up to the date of adjudication of this case, in an amount according to proof. Funds recovered will be distributed in accordance with the provisions of PAGA.

32. On information and belief, Plaintiff alleges that Defendants have violated and continue to violate provisions of the *Labor Code* and applicable Wage Orders set forth herein. As such the foregoing violations are ongoing, and the corresponding penalties are requested until this case is adjudicated, and/or Defendants' illegal practices stopped.

PRAYER

WHEREFORE, Plaintiff prays for judgment against defendants as follows:

1. For general damages according to proof;
2. For pre-judgment exemplary damages and post-judgment interest on all damages awarded;
3. For reasonable attorney's fees pursuant or reasonable attorney's fees pursuant to *Labor Code* §§ 203, 218.5, 218.6, 226, 248.5, 1194, and/or 2802, *Code of Civil Procedure* § 1021.5, Business and Professions Code §§ 17200, et seq., and all and any other applicable laws and statutes;
4. For costs of suit incurred;
5. For penalties permitted by *Labor Code* § 226.7, 510, 512, 558, 1171, 1173, 1173.1, 1194, 1194.2 and 1198.5;
6. For applicable civil penalties pursuant to PAGA, to be apportioned between the employees and the LWDA;
7. Upon the Second Cause of Action, for civil penalties due to Plaintiff, other Aggrieved Employees, and the State of California according to proof pursuant to *Labor Code* § 2699, et seq. including, but not limited to the following: (1) the employer shall pay the employee one additional hour of pay at the employee's regular rate of compensation

1 for each workday that the meal period is not provided and (2) the employer shall pay the
2 employee one additional hour of pay at the employee's regular rate of compensation for
3 each workday that the rest period is not provided, for a maximum penalty of two
4 additional hours of pay at the employee's regular rate of compensation for each day of
5 violations pursuant to *California Labor Code* § 226.7 and *Industrial Welfare*
6 *Commission wage order* No. 4-2001 (wage order No. 4), subd. 12(A) (Cal. Code Regs., tit.
7 8, § 11040, subd. 11(A), 12(A).

8 8. For such other and further relief as the Court may deem just and proper.
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11 DATED: March 30, 2022

THE HALL LAW GROUP, APC

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13 

14 By: _____
15 Corey A. Hall, Esq.
16 Attorneys for Plaintiff,
17 DANNY HO
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20 **DEMAND FOR JURY TRIAL**

21 Plaintiff Ho demands a jury trial.
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23 DATED: March 30, 2022

THE HALL LAW GROUP, APC

24
25 

26 By: _____
27 Corey A. Hall, Esq.
28 Attorneys for Plaintiff,
DANNY HO