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Istewart/

By _____, Deputy

Case Number:

34-2022-00313560

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Attorneys for Plaintiffs and Aggrieved Employees

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SACRAMENTO

17 CENTRIAL WILLIAMS and PRECIOUS
18 THOMAS, as individuals and on behalf of
19 aggrieved employees,

Plaintiffs,

vs.

22 CAREER SYSTEMS DEVELOPMENT
23 CORPORATION, a Delaware corporation;
24 and DOES 1 through 50, inclusive,

Defendants.

Case No.:

**REPRESENTATIVE ACTION COMPLAINT
FOR VIOLATION OF LABOR CODE
§ 2698, ET SEQ.**

1 Plaintiffs Central Williams and Precious Thomas (together, “Plaintiffs”) hereby submit
2 this Representative Action Complaint (“Complaint”) against Defendant Career Systems
3 Development Corporation and Does 1 through 50 (hereinafter collectively referred to as
4 “Defendants”) on behalf of themselves and other aggrieved employees of Defendants, for
5 penalties pursuant to the Private Attorneys General Act (“PAGA”) for Defendant’s violations of
6 the California Labor Code, as follows:

7 **INTRODUCTION**

8 1. This class action is within the Court’s jurisdiction under California Labor Code
9 §§ 226 and 2698, *et seq.*, and the applicable Wage Orders of the California Industrial Welfare
10 Commission (“IWC”).

11 2. This complaint challenges systemic illegal employment practices resulting in
12 violations of the California Labor Code against individuals who worked for Defendants.

13 3. Plaintiffs are informed and believe, and based thereon allege that Defendants,
14 jointly and severally, have acted intentionally and with deliberate indifference and conscious
15 disregard to the rights of all employees by failing to provide complete and accurate wage
16 statements to Plaintiffs and aggrieved employees.

17 4. Plaintiffs are informed and believe, and based thereon allege that Defendants have
18 engaged in, among other things a system of willful violations of the California Labor Code and
19 the applicable IWC Wage Orders by creating and maintaining policies, practices, and customs
20 that knowingly deny its employees the above stated rights and benefits.

21 **JURISDICTION AND VENUE**

22 5. The Court has jurisdiction over the violations of the California Labor Code
23 §§ 226 and 2698, *et seq.*

24 6. Venue is proper because Defendants do business in Sacramento County, and
25 Plaintiffs worked for Defendants in Sacramento County.

26 **PARTIES**

27 7. Plaintiff Central Williams was employed by Defendants as a Social Development
28 Director from about September 2018, until about July 2021. Ms. Williams worked as a non-

1 exempt employee.

2 8. Plaintiff Precious Thomas was employed by Defendants as a non-exempt
3 employee.

4 9. Plaintiffs were and are the victims of the policies, practices, and customs of
5 Defendants complained of in this action in ways that have deprived them of the rights guaranteed
6 by California Labor Code §§ 226 and 2698, *et seq.*

7 10. Plaintiffs are informed and believe, and based thereon allege that Defendant
8 Career Systems Development Corporation was and is a Delaware corporation doing business in
9 the State of California and is engaged in career training and education.

10 11. Plaintiffs are informed and believe, and thereon allege, that at all times herein
11 mentioned Does 1 through 50, are and were corporations, business entities, individuals, and
12 partnerships, licensed to do business and actually doing business in the State of California. As
13 such, and based upon all the facts and circumstances incident to Defendants' business,
14 Defendants are subject to California Labor Code §§ 226 and 2698, *et seq.*

15 12. Plaintiffs do not know the true names or capacities, whether individual, partner or
16 corporate, of the defendants sued herein as Does 1 through 50, inclusive, and for that reason, said
17 defendants are sued under such fictitious names, and Plaintiffs pray for leave to amend this
18 complaint when the true names and capacities are known. Plaintiffs are informed and believe and
19 based thereon allege that each of said fictitious defendants were responsible in some way for the
20 matters alleged herein and proximately caused Plaintiffs and members of the general public and
21 class to be subject to the illegal employment practices, wrongs, and injuries complained of
22 herein.

23 13. At all times herein mentioned, each of said defendants participated in the doing of
24 the acts hereinafter alleged to have been done by the named Defendants; and furthermore, the
25 Defendants, and each of them, were the agents, servants and employees of each of the other
26 Defendants, as well as the agents of all Defendants, and at all times herein mentioned, were
27 acting within the course and scope of said agency and employment.

28 14. Plaintiffs are informed and believe, and based thereon allege that at all times

1 material hereto, each of the Defendants named herein was the agent, employee, alter ego, and/or
2 joint venturer of, or working in concert with each of the other co-Defendants and was acting
3 within the course and scope of such agency, employment, joint venture, or concerted activity.
4 To the extent said acts, conduct, and omissions were perpetrated by certain Defendants, each of
5 the remaining Defendants confirmed and ratified said acts, conduct, and omissions of the acting
6 Defendants.

7 15. At all times herein mentioned, Defendants, and each of them, were members of,
8 and engaged in, a joint venture, partnership and common enterprise, and acting within the course
9 and scope of, and in pursuance of, said joint venture, partnership and common enterprise.

10 16. At all times herein mentioned, the acts and omissions of various Defendants, and
11 each of them, concurred and contributed to the various acts and omissions of each and all of the
12 other Defendants in proximately causing the injuries and damages as herein alleged. At all times
13 herein mentioned, Defendants, and each of them, ratified each and every act or omission
14 complained of herein. At all times herein mentioned, Defendants, and each of them, aided and
15 abetted the acts and omissions of each and all of the other Defendants in proximately causing the
16 damages as herein alleged.

17 **FIRST CAUSE OF ACTION**

18 **VIOLATION OF LABOR CODE § 2698, *ET SEQ.***

19 **(BY PLAINTIFFS, ON BEHALF OF THE STATE OF CALIFORNIA AND AGGRIEVED**
20 **EMPLOYEES, AGAINST ALL DEFENDANTS)**

21 17. Plaintiffs re-allege and incorporate by reference the preceding paragraphs as
22 though fully set forth herein.

23 18. Plaintiffs bring this cause of action for violation of PAGA as proxies for the State
24 of California and in this capacity, will seek penalties on behalf of all Aggrieved Employees from
25 October 19, 2020, through the present, for Defendants' violations of Labor Code § 226(a) arising
26 from Defendants' failure to identify the applicable pay period start date on wage statements
27 issued to employees. Defendants also violated Labor Code § 226(a) by failing to identify any
28 applicable rate of pay for overtime wages when Defendants paid them to aggrieved employees.

19. On or about October 19, 2021, Plaintiff Centrial Williams sent written notice to the California Labor & Workforce Development Agency (“LWDA”) of Defendants’ violations of Labor Code § 226(a), pursuant to PAGA. As of the date of the filing of this Complaint, the LWDA has yet to provide notice to Plaintiff as to whether it intends to investigate the violations provided for in the written notice. In addition to the LWDA, Plaintiff also sent her written notice to Defendants via certified mail according to Labor Code § 2699.3.

20. On or about December 1, 2021, Plaintiff Precious Thomas sent written notice to the California Labor & Workforce Development Agency (“LWDA”) of Defendants’ violations of Labor Code § 226(a), pursuant to PAGA. As of the date of the filing of this Complaint, the LWDA has yet to provide notice to Plaintiff as to whether it intends to investigate the violations provided for in the written notice. In addition to the LWDA, Plaintiff also sent her written notice to Defendants via certified mail according to Labor Code § 2699.3.

21. As such, pursuant to Labor Code § 2699(a), Plaintiffs will seek recovery of any and all applicable civil penalties for Defendants' violation of Labor Code § 226(a), for the time period described above, on behalf of themselves and other Aggrieved Employees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment for themselves and all others on whose behalf this suit is brought against Defendants, jointly and severally, as follows:

1. Upon the First Cause of Action, for penalties pursuant to California Labor Code §§ 226.3 and 2698, *et seq.*, and for costs and attorneys' fees;

2. On all causes of action for attorneys' fees and costs as provided by California Labor Code § 2699 and Code of Civil Procedure § 1021.5; and

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

DATED: January 6, 2022

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