

FILED
Superior Court Of California,
Sacramento
12/30/2021
KJohnson12
By _____, Deputy
Case Number:
34-2021-00313320

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Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO**

JORDAN MIMS, as a private attorney general,

Plaintiff,

vs.

SERVEXO, a California corporation; and DOES 1
through 50, inclusive,

Defendants.

Case No.

**REPRESENTATIVE ACTION COMPLAINT
UNDER THE LABOR CODE PRIVATE
ATTORNEYS GENERAL ACT OF 2004**

BY FAX

DEMAND OVER \$25,000.00

1 Plaintiff, Jordan Mims, as a proxy for the State of California, submits this Complaint against
2 Defendant, Servexo, and Does 1 through 50 (collectively, “Defendants”).

3 INTRODUCTION

4 1. Pursuant to the Labor Code Private Attorneys General Act of 2004, Labor Code section
5 2698 et seq. (“PAGA”), this representative action Complaint challenges systemic employment practices
6 resulting in violations of the California Labor Code against individuals who worked for Defendants.
7 The Complaint seeks penalties and other relief pursuant to, among other provisions, Labor Code
8 sections 204, 210, and 2698 et seq.¹

9 2. Plaintiff is informed and believes that Defendants have jointly and severally acted
10 intentionally and with deliberate indifference and conscious disregard to the rights of employees by
11 failing to pay Plaintiff and other aggrieved employees their earned wages in a timely manner.
12 Specifically, Defendants fail to pay Plaintiff and other employees their earned wages within seven days
13 of the last day of the pay period. Defendants thus violate Section 204.

14 3. The Labor Code is broadly remedial in nature. Its laws serve an important public interest
15 in establishing minimum working conditions and requirements in California. These labor standards
16 protect employees from onerous terms and conditions of employment or exploitation by employers who
17 have superior economic and bargaining power. Plaintiff is informed and believes that Defendants have
18 engaged in, among other things, a system of willful violations of the Labor Code by creating and
19 maintaining policies, practices, and customs that knowingly deny its employees the above stated rights
20 and benefits.

21 4. Defendants’ pattern, practice, and uniform administration of corporate policy in violation
22 of the Labor Code is unlawful. Proof of a common business practice or factual pattern will establish the
23 rights of Plaintiff and aggrieved employees under Sections 204, 210, and 2698 et seq., applicable IWC
24 Wage Orders, and Code of Civil Procedure section 1021.5, among other provisions, to recover
25 applicable penalties, reasonable attorneys’ fees, and costs of suit.
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¹ Except as otherwise noted, all “Section” references are to the Labor Code.

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6. Venue is proper in the County of Sacramento, where Defendant maintains offices and employs numerous aggrieved employees subject to the Labor Code violations.

7. Plaintiff began working for Defendants in or about July of 2021. As a security guard for Defendants, Plaintiff is paid on an hourly basis as a non-exempt employee. Defendant uses biweekly pay periods and pays Plaintiff once for every two weeks of work. Plaintiff is not paid his wages earned during biweekly pay periods until more than seven days after the end of the pay periods. For example, for the pay period of August 22, 2021, through September 4, 2021, wages earned during the pay period were not paid until September 17, 2021, which is more than seven days after the end of the pay period. Similarly, for the pay period of September 5, 2021, through September 18, 2021, wages earned during the pay period were not paid until October 1, 2021. Plaintiff thus is a victim of the policies, practices, and customs of Defendants complained of in this action in ways that have deprived him of rights guaranteed by the Labor Code.

9. Plaintiff does not know the true names or capacities of the defendants sued herein as Does 1 through 50, whether individual, partner, or corporate, and for that reason, said defendants are sued under such fictitious names. Plaintiff prays for leave to amend this Complaint when the true names and capacities are known. Plaintiff is informed and believes that each of said fictitious defendants was responsible in some way for the matters alleged herein and proximately caused the illegal employment practices, wrongs, and injuries complained of herein.

10. At all times herein mentioned, each of said Defendants participated in the doing of the acts alleged herein. Defendants, and each of them, were the agents, servants, or employees of each of the other Defendants, as well as the agents of all Defendants, and were acting within the course and scope of said agency and employment.

11. Plaintiff is informed and believes that at all times material hereto, each of said Defendants was the agent, employee, alter ego, or joint venturer of, or was working in concert with, each of the other Defendants and was acting within the course and scope of such agency, employment, joint venture, or concerted activity. To the extent said acts, conduct, or omissions were perpetrated by certain Defendants, each of the remaining Defendants confirmed and ratified said acts, conduct, or omissions of the acting Defendants.

12. Plaintiff is informed and believes that at all times material hereto each of the Defendants (i) aided and abetted the acts and omissions of each of the other Defendants in proximately causing the alleged harms, or (ii) were members of, engaged in, and acting within the course and scope of, and in pursuance of, a joint venture, partnership, or common enterprise.

FIRST CAUSE OF ACTION

Violation of Labor Code §§ 2698 et seq.

(By Plaintiff as a Proxy for the State Against All Defendants)

13. The preceding paragraphs are re-alleged and incorporated by this reference.

14. Pursuant to PAGA, Plaintiff sues as a proxy for the State of California. On or about October 5, 2021, Plaintiff sent written notice to the Labor & Workforce Development Agency (“LWDA”) of the specific provision of the Labor Code alleged to have been violated, including the facts and theories to support the alleged violation of Section 204. Plaintiff simultaneously sent written notice to Defendants via certified mail. The LWDA has not indicated that it intends to investigate the allegations in the written notice.

15. Plaintiff seeks penalties for Defendants' Labor Code violations committed against all aggrieved employees since October 5, 2020, pursuant to Sections 204, 210, and 2698 et seq. As stated herein, Defendants fail to pay Plaintiff and other aggrieved employees their earned wages in a timely manner. Specifically, Defendants fail to pay Plaintiff and other employees their earned wages within

1 seven days of the last day of the pay period. Defendants thus violate Section 204. Under Section
2 2699(c), Plaintiff is an “aggrieved employee,” as one or more of the alleged violations was committed
3 against Plaintiff as an employee of Defendants.

4 16. As such, pursuant to Section 2699(a), (f), and (g), Plaintiff seeks recovery of all
5 applicable penalties for Defendants’ violations against all aggrieved employees for the period described
6 above.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff prays for judgment for himself and all others on whose behalf this suit
9 is brought against Defendants, jointly and severally, as follows:

10 1. Upon the First Cause of Action for all applicable penalties pursuant to Section 2699(a),
11 (f), and (g), and for costs and attorneys’ fees;

12 2. Upon each cause of action for attorneys’ fees and costs as provided by Section 2699,
13 Code of Civil Procedure section 1021.5, and any other applicable laws; and

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

15 DATED: December 30, 2021

DIVERSITY LAW GROUP, P.C.

16 By: 
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Larry W. Lee

Simon L. Yang

18 Attorneys for Plaintiff
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