

**SUMMONS**  
**(CITACION JUDICIAL)**

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

**NOTICE TO DEFENDANT:** DE ANDA ENTERPRISES, INC., a  
**(AVISO AL DEMANDADO):** California corporation, and DOES 1  
through 10, inclusive

**YOU ARE BEING SUED BY PLAINTIFF:** ALEJANDRO RAMIREZ, on  
**(LO ESTÁ DEMANDANDO EL DEMANDANTE):** behalf of himself and  
on behalf of all similarly situated individuals

**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](http://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](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://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](http://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](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://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 Orange  
700 Civic Center Drive West  
Santa Ana, California 92701

CASE NUMBER:  
(Número del Caso)

30-2021-01232142-CU-OE-CXC

Judge James J. Di Cesare

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: Alex P. Katofsky, Esq. #202754  
**(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: 11/16/2021  
**(Fecha)** DAVID H. YAMASAKI, Clerk of the Court

Clerk, by  
**(Secr)** Georgina Ramirez, Deputy  
**(Adjunto)**

**(For proof of service of this summons, use Proof of Service of Summons (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):**
3. ☐ on behalf of **(specify):**  
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other **(specify):**
4. ☐ by personal delivery on **(date):**

|                                                                                                                                                                                                                                                                                                                                                       |  |                                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address)</b><br>Alex P. Katofsky, Esq.<br>Gaines & Gaines, APLC<br>27200 Agoura Road, Suite 101, Calabasas, CA 91301<br>TELEPHONE NO.: 818-703-8985 FAX NO. (Optional): 818-703-8984<br>E-MAIL ADDRESS: alex@gaineslawfirm.com<br>ATTORNEY FOR (Name): Plaintiff, Alejandro Ramirez |  | <b>CASE NUMBER</b><br>30-2021-01232142-CU-OE-CXC<br><br><b>JUDGE:</b> Judge James J. Di Cesare<br><b>DEPT.:</b>                                                                    |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE</b><br>STREET ADDRESS: 700 Civic Center Drive West<br>MAILING ADDRESS: 700 Civic Center Drive West<br>CITY AND ZIP CODE: Santa Ana, 92701<br>BRANCH NAME: Central Justice Center                                                                                                                    |  |                                                                                                                                                                                    |
| <b>CASE NAME:</b> Ramirez v. De Anda Enterprises, Inc., et al.                                                                                                                                                                                                                                                                                        |  |                                                                                                                                                                                    |
| <b>CIVIL CASE COVER SHEET</b><br><input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)                                                                                                                                                |  | <b>Complex Case Designation</b><br><input type="checkbox"/> Counter <input type="checkbox"/> Joinder<br>Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402) |

Items 1-6 below must be completed (see instructions on page 2). C-16

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Auto Tort</b><br><input type="checkbox"/> Auto (22)<br><input type="checkbox"/> Uninsured motorist (46)<br><b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b><br><input type="checkbox"/> Asbestos (04)<br><input type="checkbox"/> Product liability (24)<br><input type="checkbox"/> Medical malpractice (45)<br><input type="checkbox"/> Other PI/PD/WD (23)<br><b>Non-PI/PD/WD (Other) Tort</b><br><input type="checkbox"/> Business tort/unfair business practice (07)<br><input type="checkbox"/> Civil rights (08)<br><input type="checkbox"/> Defamation (13)<br><input type="checkbox"/> Fraud (16)<br><input type="checkbox"/> Intellectual property (19)<br><input type="checkbox"/> Professional negligence (25)<br><input type="checkbox"/> Other non-PI/PD/WD tort (35)<br><b>Employment</b><br><input type="checkbox"/> Wrongful termination (36)<br><input checked="" type="checkbox"/> Other employment (15) | <b>Contract</b><br><input type="checkbox"/> Breach of contract/warranty (06)<br><input type="checkbox"/> Rule 3.740 collections (09)<br><input type="checkbox"/> Other collections (09)<br><input type="checkbox"/> Insurance coverage (18)<br><input type="checkbox"/> Other contract (37)<br><b>Real Property</b><br><input type="checkbox"/> Eminent domain/Inverse condemnation (14)<br><input type="checkbox"/> Wrongful eviction (33)<br><input type="checkbox"/> Other real property (26)<br><b>Unlawful Detainer</b><br><input type="checkbox"/> Commercial (31)<br><input type="checkbox"/> Residential (32)<br><input type="checkbox"/> Drugs (38)<br><b>Judicial Review</b><br><input type="checkbox"/> Asset forfeiture (05)<br><input type="checkbox"/> Petition re: arbitration award (11)<br><input type="checkbox"/> Writ of mandate (02)<br><input type="checkbox"/> Other judicial review (39) | <b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b><br><input type="checkbox"/> Antitrust/Trade regulation (03)<br><input type="checkbox"/> Construction defect (10)<br><input type="checkbox"/> Mass tort (40)<br><input type="checkbox"/> Securities litigation (28)<br><input type="checkbox"/> Environmental/Toxic tort (30)<br><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)<br><b>Enforcement of Judgment</b><br><input type="checkbox"/> Enforcement of judgment (20)<br><b>Miscellaneous Civil Complaint</b><br><input type="checkbox"/> RICO (27)<br><input type="checkbox"/> Other complaint (not specified above) (42)<br><b>Miscellaneous Civil Petition</b><br><input type="checkbox"/> Partnership and corporate governance (21)<br><input type="checkbox"/> 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): Six (6)
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: 11/16/21

Alex P. Katofsky, Esq.

(TYPE OR PRINT NAME)



Alex P. Katofsky

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

### 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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Calabasas, CA 91301  
Telephone: (818) 703-8985  
Facsimile: (818) 703-8984

Assigned for all Purposes  
Judge James J. Di Cesare

C-16

Attorneys for Plaintiff Alejandro Ramirez, on behalf of himself and on behalf of all similarly situated individuals

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

ALEJANDRO RAMIREZ, on behalf of  
himself and on behalf of all similarly situated  
individuals,

Plaintiff,

v.

DE ANDA ENTERPRISES, INC., a  
California corporation, and DOES 1 through  
10, inclusive,

Defendants.

CASE NO: 30-2021-01232142-CU-OE-CXC

**CLASS ACTION COMPLAINT FOR:**

**1. FAILURE TO PAY ALL MINIMUM  
AND OVERTIME WAGES (LABOR  
CODE §§ 510, 1194 AND 1194.2)**

**2. FAILURE TO PROVIDE REST  
PERIODS OR COMPENSATION IN LIEU  
THEREOF (LABOR CODE § 226.7; IWC  
WAGE ORDER 5-2001)**

**3. FAILURE TO PROVIDE MEAL  
PERIODS OR COMPENSATION IN LIEU  
THEREOF (LABOR CODE §§ 226.7, 512,  
1174, AND 1174.5; IWC WAGE ORDER 5-  
2001)**

**4. KNOWING AND INTENTIONAL  
FAILURE TO COMPLY WITH  
ITEMIZED EMPLOYEE WAGE  
STATEMENT PROVISIONS (LABOR  
CODE § 226(a), (e))**

**5. FAILURE TO TIMELY PAY WAGES  
DUE AT SEPARATION OF  
EMPLOYMENT (LABOR CODE §§ 201-  
203)**

**6. VIOLATION OF BUSINESS AND  
PROFESSIONS CODE § 17200**

**DEMAND FOR JURY TRIAL**

1 Plaintiff ALEJANDRO RAMIREZ (“Plaintiff”), on behalf of himself, all similarly situated  
2 individuals, and on behalf of the general public, complains of Defendants, and each of them, as  
3 follows:

4 I.

5 **INTRODUCTION AND FACTUAL BACKGROUND**

6 1. This is a Class Action, pursuant to Code of Civil Procedure § 382, on behalf of Plaintiff  
7 and the Class of individuals described in detail below against DE ANDA ENTERPRISES, INC., a  
8 California corporation, and/or any subsidiaries or affiliated companies (hereinafter collectively  
9 referred to as “Defendants”).

10 2. For at least four (4) years prior to the filing of this action and continuing to the present  
11 (the “liability period”), Defendants have had a consistent policy of failing to pay all minimum and  
12 overtime wages due, provide legally compliant meal and rest periods, or compensation in lieu thereof;  
13 failing to pay all wages due upon separation of employment; and failing to issue accurately itemized  
14 wage statements.

15 3. Plaintiff, on behalf of himself members of the Class, brings this action pursuant to  
16 Labor Code §§ 201-203, 226(a), 226.7, 510, 512, 1194, and 1194.2 seeking compensation for all  
17 unpaid wages, meal and rest period premium wages, liquidated damages, statutory penalties,  
18 injunctive and other equitable relief, and reasonable attorneys’ fees and costs.

19 4. Plaintiff, on behalf of himself and Class Members, pursuant to Business & Professions  
20 Code §§ 17200-17208, also seeks injunctive relief, restitution, and disgorgement of all benefits  
21 Defendants enjoyed from their failure to pay all wages due.

22 5. Venue is proper in this judicial district, pursuant to Code of Civil Procedure § 395  
23 because Defendants employed Plaintiff in Orange County, California.

24 6. Pursuant to the Judicial Council’s Emergency Rule 9 of the California Rules of Court,  
25 Plaintiff’s claims are subject to tolling from April 6, 2020, through October 1, 2020.

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**II.**

**PARTIES**

**A. Plaintiff**

7. Plaintiff ALEJANDRO RAMIREZ was employed by Defendants from May 2020 through June 2020 as a non-exempt employee and performed work for Defendants in Orange County, California.

8. During his work with Defendants, Plaintiff was:

- a. Willfully denied all meal and rest periods or compensation in lieu thereof;
- b. Willfully denied the payment of all minimum and overtime wages due;
- c. Willfully denied accurately itemized wage statements; and
- d. Denied the timely payment of all wages upon separation of his employment.

**B. Defendants**

9. Defendant DE ANDA ENTERPRISES, INC. is a California corporation. Defendant DE ANDA ENTERPRISES, INC. employed Plaintiff in Orange County, California.

10. The true names and capacities, whether individual, corporate, associate, or otherwise, of Defendants sued herein as DOES 1 to 10, inclusive, are currently unknown to Plaintiff, who therefore sues Defendants by such fictitious names under Code of Civil Procedure § 474. Plaintiff is informed and believes, and based thereon alleges, that each of the Defendants designated herein as a DOE is legally responsible in some manner for the unlawful acts referred to herein. Plaintiff will seek leave of court to amend this Complaint to reflect the true names and capacities of the Defendants designated hereinafter as DOES when such identities become known.

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

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

1 **III.**

2 **CLASS ACTION ALLEGATIONS**

3 13. Plaintiff brings this action on behalf of himself, and all others similarly situated as a  
4 Class Action pursuant to § 382 of the Code of Civil Procedure. Plaintiff seeks to represent the  
5 following class composed of and defined as follows:

6 **THE CLASS**

7 All persons employed as non-exempt employees by Defendants in  
8 California at any time since the date four years preceding the filing of  
9 this Action.

10 14. Plaintiff reserves the right under Rule 3.765, California Rules of Court, to amend or  
11 modify this class description with greater specificity or further division into subclasses or limitation  
12 to particular issues.

13 15. This action has been brought and may properly be maintained as a class action under  
14 the provisions of § 382 of the Code of Civil Procedure because there is a well-defined community of  
15 interest in the litigation and each proposed Class is easily ascertainable.

16 **A. Numerosity**

17 16. The potential members of the Class as defined are so numerous that joinder of all class  
18 members is impracticable. While the precise number of members of the Class has not been  
19 ascertained at this time, Plaintiff is informed and believes, and based thereon alleges, that Defendants  
20 currently employ, and during the relevant time periods employed, over 50 persons in the State of  
21 California who fall within the Class definition.

22 17. Accounting for employee turnover during the relevant period necessarily increases this  
23 number. Plaintiff alleges Defendants' employment records would provide information as to the  
24 number and location of members of the Class. Joinder of members of the Class is not practicable.

25 **B. Commonality**

26 18. There are questions of law and fact common to the Class that predominate over any  
27 questions affecting only individual class members. These common questions of law and fact include,  
28 without limitation:

- a. Whether Defendants failed to pay all minimum and overtime wages due to Plaintiff and Class Members, in violation of Labor Code §§ 510, 1194, and 1194.2;
- b. Whether Defendants failed to properly provide rest periods, or compensation in lieu thereof to Plaintiff and Class Members, in violation of Labor Code § 226.7, and IWC Wage Order 5-2001;
- c. Whether Defendants failed to properly provide meal periods, or compensation in lieu thereof to Plaintiff and Class Members, in violation of Labor Code §§ 226.7, 512, 1174, and 1174.5, and IWC Wage Order 5-2001;
- d. Whether Defendants failed to provide Plaintiff and Class Members with accurately itemized wage statements, in accordance with Labor Code § 226(a) and (e);
- e. Whether Defendants failed to timely Plaintiff and pay members of the Class all wages due and owing at the separation of their employment, in violation of Labor Code §§ 201-203; and
- e. Whether Plaintiff and members of the Class are entitled to equitable relief pursuant to Business & Professions Code § 17200 *et seq.*

**C. Typicality**

19. The claims of the named Plaintiff are typical of the claims of members of the Class. Plaintiff and members of the Class sustained injuries and damages arising out of and caused by Defendants' common course of conduct in violation of laws, regulations that have the force and effect of law, and statutes as alleged herein.

**D. Adequacy of Representation**

20. Plaintiff will fairly and adequately represent and protect the interests of members of the Class. Counsel who represents Plaintiff are competent and experienced in litigating large employment class actions.

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**E. Superiority of Class Action**

21. A class action is superior to other available means for the fair and efficient adjudication of this controversy. Individual joinder of all proposed members of the Class is not practicable, and questions of law and fact common to the proposed Class predominate over any questions affecting only individual members of the proposed Class. Each member of the proposed Class has been damaged and is entitled to recovery by reason of Defendants' illegal policies and/or practices.

22. Class action treatment will allow those similarly situated persons to litigate their claims in the manner that is most efficient and economical for the parties and the judicial system. Plaintiff is unaware of any difficulties that are likely to be encountered in the management of this action that would preclude its maintenance as a class action.

**IV.**

**CAUSES OF ACTION**

**FIRST CAUSE OF ACTION**

**PLAINTIFF AND THE CLASS AGAINST ALL DEFENDANTS  
FAILURE TO PAY ALL MINIMUM AND OVERTIME WAGES  
(LABOR CODE §§ 510, 1194 AND 1194.2)**

23. Plaintiff incorporates paragraphs 1 through 22 of this Complaint as though fully set forth herein.

24. During the liability period, Defendants failed to pay all overtime wages due, in violation of Labor Code §§ 510 and 1194. Defendants paid Plaintiff and Class Members straight time wages only, with no adjustment for premium overtime wages. Specifically, Plaintiff and Class Members would work in excess of 8 hours per day and 40 hours per week, but were never properly compensated for work performed in excess of eight (8) hours in a workday and work performed in excess of forty (40) hours in a workweek at a rate of no less than one and one-half times the regular rate of pay. Furthermore, Plaintiff and Class Members would routinely work without any compensation whatsoever, thereby denying them all minimum and overtime wages due. This violates Labor Code §§ 510, 1194, and 1194.2.

25. As a result of the unlawful acts of Defendants in willfully failing to pay all wages due, Plaintiff and members of the Class have been deprived of wages in amounts to be determined at trial, and are entitled to restitution and recovery of such amounts, plus interest thereon, attorneys' fees, and costs, pursuant to Labor Code § 1194 and liquidated damages pursuant to Labor Code § 1194.2.

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

**V.**

## SECOND CAUSE OF ACTION

**PLAINTIFF AND THE CLASS AGAINST ALL DEFENDANTS**

## FAILURE TO PROVIDE REST PERIODS OR COMPENSATION IN LIEU THEREOF

**(LABOR CODE § 226.7 AND IWC WAGE ORDER 5-2001)**

26. Plaintiff incorporates paragraphs 1 through 25 of this Complaint as though fully set forth herein.

27. Plaintiff and Class Members are entitled to one hour of pay for each day that Defendants failed to properly provide one or more rest periods as set forth in Labor Code § 226.7 and IWC Wage Order 5-2001.

28. Defendants failed to pay premium wages to Plaintiff and Class Members who were denied rest periods, in violation of Labor Code § 226.7 and IWC Wage Order 5-2001. Plaintiff and Class Members were routinely unable to take a 10-minute rest period for every four (4) hours of work or major fraction thereof, but were not paid premium wages of one hour's pay for each missed rest period. When Plaintiff and Class Members were provided with a rest period, they would be interrupted in the middle of such rest periods and would be required to continue working. This violates Labor Code § 226.7 and IWC Wage Order 5-2001.

29. Pursuant to Labor Code § 226.7 and IWC Wage Order 5-2001, Plaintiff seeks the payment of all rest period compensation which he and Class Members are owed for four years preceding the filing of this Action, according to proof.

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

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1 VI.

2 THIRD CAUSE OF ACTION

3 PLAINTIFF AND THE CLASS AGAINST ALL DEFENDANTS

4 FAILURE TO PROVIDE MEAL PERIODS OR COMPENSATION IN LIEU THEREOF

5 (LABOR CODE §§ 226.7, 512, 1174, AND 1174.5 AND IWC WAGE ORDER 5-2001)

6 30. Plaintiff incorporates paragraphs 1 through 29 of this Complaint as though fully set  
7 forth herein.

8 31 Plaintiff and Class Members are entitled to one hour of pay for each day that  
9 Defendants failed to properly provide one or more meal periods as set forth in Labor Code §§ 226.7  
10 and 512 and IWC Wage Order 5-2001.

11 32. Defendants failed to pay premium wages to Plaintiff and Class Members who were  
12 denied meal periods, in violation of Labor Code §§ 226.7 and 512 and IWC Wage Order 5-2001.  
13 Plaintiff and Class Members were routinely denied, and not authorized to take, an uninterrupted, 30-  
14 minute meal period for every shift worked that exceeded five hours in duration, and a second meal  
15 period when they worked shifts greater than ten hours, but were not paid premium wages of one  
16 hour's pay for each missed meal period. When Plaintiff and Class Members did receive meal periods,  
17 they would typically be late (commencing after the fifth hour of work) or short (less than 30 minutes  
18 in duration). Defendants also failed to maintain meal period records. This violates Labor Code §§  
19 226.7, 512, 1174, and 1174.5 and IWC Wage Order 5-2001.

20 33. Pursuant to Labor Code §§ 226.7 and 512 and IWC Wage Order 5-2001, Plaintiff  
21 seeks the payment of all meal period compensation which Class Members are owed for four years  
22 preceding the filing of this Action, according to proof.

23 Wherefore, Plaintiff and the class he seeks to represent request relief as described below.

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**VII.**  
**FOURTH CAUSE OF ACTION**  
**PLAINTIFF AND THE CLASS AGAINST ALL DEFENDANTS**  
**KNOWING AND INTENTIONAL FAILURE TO COMPLY WITH ITEMIZED**  
**EMPLOYEE WAGE STATEMENT PROVISIONS**  
**(LABOR CODE § 226(a), (e))**

34. Plaintiff incorporates paragraphs 1 through 33 of this Complaint as though fully set forth herein.

35. Section 226(a) of the California Labor Code requires Defendants to provide wage statements to employees. In those wage statements, Defendants must provide an accurate itemized statement in writing showing (1) gross wages earned, (2) total hours worked by the employee..., (3) the number of piece-rate units earned and any applicable piece rate if the employee is paid on a piece-rate basis, (4) all deductions, provided that all deductions made on written orders of the employee may be aggregated and shown as one item, (5) net wages earned, (6) the inclusive dates of the period for which the employee is paid, (7) the name of the employee and only the last four digits of his or her social security number or an employee identification number other than a social security number, (8) the name and address of the legal entity that is the employer..., and (9) all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate by the employee. Defendants have knowingly and intentionally failed to comply with Labor Code § 226(a).

36. Defendants failed to issue Plaintiff and Class Members wage statements that fully and accurately itemized the requirements set forth in Labor Code § 226(a). As stated above, Plaintiff and Class Members were not paid all minimum wages, overtime wages, and meal and rest period premium wages. As such, the wage statements provided by Defendants failed to accurately state all gross wages earned, in violation of Labor Code § 226(a)(1) total hours worked, in violation of Labor Code § 226(a)(2), net wages earned, in violation of Labor Code § 226(a)(5), and all applicable hourly rates in effect during the pay period and the corresponding number of hours worked, in violation of Labor Code § 226(a)(9).

37 As a consequence of Defendants' willful conduct in failing to provide Class Members with accurate itemized wage statements, Plaintiff and Class Members have been injured because they have not been paid all wages due and were issued wage statements which do not reflect, and fail to state, all information required by Labor Code § 226(a). The missing information cannot be discerned at all from the face of the wage statements themselves. Plaintiff and Class Members are entitled to penalties pursuant to Labor Code § 226(e) to recover the greater of all actual damages or \$50 for the initial pay period in which a violation occurs and \$100 per employee for each violation in a subsequent pay period, not exceeding an aggregate penalty of \$4,000 per employee, and are entitled to an award of costs and reasonable attorneys' fees pursuant to Labor Code § 226(h).

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

## VIII.

## FIFTH CAUSE OF ACTION

**PLAINTIFF AND THE CLASS AGAINST ALL DEFENDANTS**

## FAILURE TO TIMELY PAY WAGES DUE AT

## SEPARATION OF EMPLOYMENT (LABOR CODE §§ 201-203)

38. Plaintiff incorporates paragraphs 1 through 37 of this Complaint as though fully set forth herein.

39. California Labor Code § 201 and § 202 require Defendants to pay employees all wages due within 72 hours after resignation of employment or the day of termination of employment. Labor Code § 203 provides that if an employer willfully fails to timely pay such wages, the employer must, as a penalty, continue to pay the subject employee's daily wages until the back wages are paid in full or an action is commenced. The penalty cannot exceed 30 days of wages.

40. Defendants paid Plaintiff and members of the Class their final wages beyond the time frames set forth in Labor Code §§ 201 and 202 in violation of Labor Code § 203. Plaintiff and members of the Class were not paid all wages due and owing throughout the course of their employment, including all minimum and overtime wages and premium wages for missed and denied meal and rest periods, as detailed above. Consequently, at the time of their separation from

1 employment with Defendants, they were not paid all final wages due and owing for the entirety of  
2 their employment.

3 41. More than 30 days have passed since Plaintiff and certain members of the Class have  
4 left Defendants' employ.

5 42. As a consequence of Defendants' willful conduct in not paying wages owed timely  
6 upon separation of employment, Plaintiff and members of the Class are entitled to up to 30 days'  
7 wages as a penalty under Labor Code §§ 203 for Defendants' failure to timely pay legal wages at  
8 separation of employment.

9 Wherefore, Plaintiff and the Class he seeks to represent request relief as described below.

10 **IX.**

11 **SIXTH CAUSE OF ACTION**

12 **PLAINTIFF AND THE CLASS AGAINST ALL DEFENDANTS**

13 **UNFAIR COMPETITION PURSUANT TO**

14 **BUSINESS & PROFESSIONS CODE § 17200 ET SEQ.**

15 43. Plaintiff incorporates paragraphs 1 through 42 of this Complaint as though fully set  
16 forth herein.

17 44. This is a Class Action for Unfair Business Practices. Plaintiff, on his own behalf and  
18 on behalf of the general public, and on behalf of others similarly situated, brings this claim pursuant  
19 to Business & Professions Code § 17200 *et seq.* The conduct of all Defendants as alleged in this  
20 Complaint has been and continues to be unfair, unlawful, and harmful to Plaintiff, the general public,  
21 and members of the Class. Plaintiff seeks to enforce important rights affecting the public interest  
22 within the meaning of Code of Civil Procedure § 1021.5.

23 45. Plaintiff is a "person" within the meaning of Business & Professions Code § 17204,  
24 and therefore has standing to bring this cause of action for injunctive relief, restitution, and other  
25 appropriate equitable relief.

26 46. Business & Professions Code § 17200 *et seq.* prohibits unlawful and unfair business  
27 practices.  
28

1           47.     Wage and hour laws express fundamental public policies. Properly providing  
2 employees with all wages due is a fundamental public policy of this State and of the United States.  
3 Labor Code § 90.5(a) articulates the public policies of this State to enforce vigorously minimum labor  
4 standards, to ensure that employees are not required or permitted to work under substandard and  
5 unlawful conditions, and to protect law-abiding employers and its employees from competitors who  
6 lower their costs by failing to comply with minimum labor standards.

7           48.     Defendants have violated statutes and public policies. Through the conduct alleged  
8 in this Complaint, Defendants, and each of them, have acted contrary to these public policies, have  
9 violated specific provisions of the Labor Code, and have engaged in other unlawful and unfair  
10 business practices in violation of Business & Professions Code § 17200 *et seq.* depriving Plaintiff,  
11 and all persons similarly situated, and all interested persons of rights, benefits, and privileges  
12 guaranteed to all employees under law.

13           49.     Defendants' conduct, as alleged herein, constitutes unfair competition in violation of  
14 §17200 *et seq.* of the Business & Professions Code.

15           50.     Defendants, by engaging in the conduct herein alleged, either knew or in the exercise  
16 of reasonable care should have known that the conduct was unlawful. As such, it is a violation of §  
17 17200 *et seq.* of the Business & Professions Code.

18           51.     As a proximate result of the above-mentioned acts of Defendants, Plaintiff and others  
19 similarly situated have been damaged in a sum as may be proven.

20           52.     Unless restrained by this Court, Defendants will continue to engage in the unlawful  
21 conduct, as alleged above. Pursuant to Business & Professions Code § 17200 *et seq.*, this Court should  
22 make such orders or judgments, including the appointment of a receiver, as may be necessary to  
23 prevent the use or employment, by Defendants, its agents, or employees, of any unlawful or deceptive  
24 practice prohibited by the Business & Professions Code, and/or, including but not limited to,  
25 disgorgement of profits which may be necessary to restore Plaintiff and members of the Class to the  
26 money Defendants have unlawfully failed to pay.

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**RELIEF REQUESTED**

WHEREFORE, Plaintiff prays for the following relief:

1. For compensatory damages and liquidated damages pursuant to Labor Code §§ 510, 1194 and 1194.2 in the amount of all unpaid overtime and minimum wages due to Plaintiff and members of the Class;
2. For compensatory damages in the amount of one hour of wages for each day on which a meal and/or rest period was not properly provided to Plaintiff and Class Members, pursuant to Labor Code § 226.7;
3. For penalties pursuant to Labor Code § 226(e) for Plaintiff and Class Members;
4. For restitution for unfair competition pursuant to Business & Professions Code § 17200 *et seq.* for Plaintiff and Class Members;
5. An award providing for payment of costs of suit pursuant to Labor Code § 226(h) and other applicable law;
6. An award of attorneys' fees pursuant to Labor Code § 226(h) and other applicable law;
7. An award of prejudgment and post-judgment interest; and
8. Such other and further relief as this Court may deem just and proper.

Dated: November 16, 2021

Respectfully submitted,

GAINES & GAINES  
A Professional Law Corporation

By: *Daniel F. Gaines*  
DANIEL F. GAINES  
EVAN S. GAINES  
Attorney for Plaintiff

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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial of his claims by jury to the extent authorized by law.

Dated: November 16, 2021

Respectfully submitted,

GAINES & GAINES  
A Professional Law Corporation

By: *Daniel F. Gaines*  
DANIEL F. GAINES  
EVAN S. GAINES  
Attorney for Plaintiff