

FILED
Superior Court Of California,
Sacramento
01/14/2022
ddonkin
By _____, Deputy
Case Number:
34-2022-00313889

1 TIMOTHY B. DEL CASTILLO (SBN: 277296)
tdc@castleemploymentlaw.com
2 LISA L. BRADNER (SBN: 197952)
lb@castleemploymentlaw.com
3 **CASTLE LAW: CALIFORNIA EMPLOYMENT COUNSEL, PC**
4 2999 Douglas Blvd, Suite 180
Roseville, CA 95661
5 Telephone: (916) 245-0122

6 Attorneys for Plaintiffs
7 TRACY TAYLOR on behalf of herself
8 and all others similarly situated

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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF SACRAMENTO

12 TRACY TAYLOR,

13 Plaintiff,

14 v.

15 PBK ARCHITECTS, INC., a Texas
16 Corporation, and Does 1-20,

17 Defendants.

Case No.

**COMPLAINT FOR CIVIL PENALTIES
PURSUANT TO PRIVATE ATTORNEY
GENERAL ACT, LABOR CODE §2698 *et seq.***

1 Plaintiff TRACY TAYLOR ("Plaintiff") on behalf of herself and all others similarly situated,
2 hereby files this Complaint against Defendants PBK ARCHITECTS, INC., a Texas Corporation, and
3 Does 1-20 (collectively referred to as "Defendants"). Plaintiff alleges the following on information and
4 belief:

5 **INTRODUCTION**

6 1. This is a representative action brought by Plaintiff seeking damages for failure to provide
7 meal and rest periods, failure to pay overtime and minimum wages, failure to provide accurate wage
8 statements, failure to reimburse for business expenses, failure to keep accurate time records, failure to
9 timely pay wages at termination, and derivative civil penalties. Plaintiff seek these damages and
10 penalties, plus interest and attorney's fees, on behalf of herself and similarly situated employees.

11 2. During all relevant times, Plaintiff and similarly situated employees worked for
12 Defendant as a non-exempt employee. Defendants failed to provide Plaintiff and similarly situated
13 employees with meal and rest periods, failed to pay minimum wages and premium overtime wages,
14 failed to provide accurate wage statements, failed to keep accurate time records, failed to timely pay
15 final wages, and failed to reimburse for business expenses, in violation of the California Labor Code.

16 **JURISDICTION AND VENUE**

17 2. This Court has jurisdiction pursuant to California Labor Code §§ 2698 *et seq.* The amount
18 in controversy exceeds the jurisdictional minimum of this court.

19 3. Jurisdiction and venue are proper because Plaintiff was employed by Defendant, and the
20 claims and causes of action arise, within the County of Sacramento, State of California. Defendants are
21 subject to personal jurisdiction in California.

22 **THE PARTIES**

23 4. TRACY TAYLOR ("Plaintiff") is a female, who was employed in Sacramento County,
24 California by PBK as a non-exempt Administrative Assistant/Receptionist from November 16, 2018,
25 until she was terminated on January 4, 2022.

26 5. Plaintiff is informed and believes, and thereon alleges, that Defendant PBK
27 ARCHITECTS, INC. ("PBK") is a Texas Corporation with its principal place of business in Houston,
28

1 Texas, and is engaged in business in California. PBK is in the business of providing commercial
2 architectural services.

3 8. Plaintiff is further informed and believes, and thereon alleges, that each of the Defendants
4 herein was, at all times relevant to this action, the agent, employee, or joint employer or joint venturer
5 of the remaining defendants and was acting within the course and scope of that relationship. Plaintiff is
6 further informed and believes, and thereon alleges, that each of the Defendants herein gave consent to,
7 ratified and authorized the acts alleged herein to each of the remaining defendants. The true names and
8 capacities of the defendants named herein Does 1 through 20, inclusive, whether individual, corporate,
9 associate, or otherwise are unknown to Plaintiff, who therefore sues such defendants by fictitious names
10 pursuant to California Code of Civil Procedure section 474. Plaintiff will amend this complaint to show
11 such true names and capacities of Does 1 through 20, inclusive, when they have been determined.

12 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

13 9. On November 11, 2021, Plaintiff filed her Labor Code § 2699.3 Private Attorney General
14 Act ("PAGA") notice with the California Labor & Workforce Development Agency ("LWDA"), the
15 LWDA has not responded. After the expiration of 65 days from the filing of the PAGA Notice, if the
16 LWDA does not respond, Plaintiff will have fully exhausted his administrative remedy.

17 **GENERAL ALLEGATIONS**

18 10. Plaintiff worked at PBK as a non-exempt employee from November 2018 until January
19 4, 2022. During their employment, Plaintiff, and other aggrieved employees, were made to suffer
20 numerous violations of the California Labor Code.

21 11. Plaintiff and similarly situated employees regularly used their cell phones for business
22 purposes. Plaintiff received and made frequent work-related phone calls, text messages, and emails, on
23 personal cell phones, including with customers of Defendant. Plaintiff and similarly situated employees
24 were not reimbursed for this use of their personal cell phones and cell phone plans for business purposes.
25 Plaintiff and similarly situated non-exempt employees also received phone calls during non-work hours
26 and were required to respond. However, Plaintiff and similarly situated employees were not paid for this
27 time.

1 14. Defendant also did not allow Plaintiff and similarly situated non-exempt employees to
2 take their statutorily required meal and rest periods. Defendants failed to provide meal and rest periods
3 to Plaintiff and similarly situated employees for every 4 hours worked or major fraction thereof.
4 Defendants were aware, and at all times knew or had reason to know non-exempt employees were being
5 deprived of timely, complete, and uninterrupted meal periods, as evidenced by numerous meal period
6 premiums paid in almost every pay period.

7 15. Plaintiff and similarly situated non-exempt employees regularly worked more than 8
8 hours per day or 40 hours per week. However, Defendant failed to pay premium over time pay.

9 16. As a result of these violations, Defendant did not provide Plaintiff and similarly situated
10 employees legally compliant wage statements noting, among other things, total hours worked, gross
11 wages earned, the applicable hourly rates in effect during the pay period and the corresponding number
12 of hours worked at each hourly rate, and the legal name of the employer.

13 17. Defendant also did not provide Plaintiff and similarly situated aggrieved employees all
14 wages owed upon their termination or within seventy-two (72) hours of their separation from
15 employment.

16 18. Defendant's management staff were aware this was occurring and did not ensure meal
17 and/ or rest periods were provided to Plaintiff and similarly situated employees in compliance with
18 California law.

19 19. Defendant's uniform policies and practices to not provide Plaintiff and similarly situated
20 employees meal and rest periods, not pay all minimum and overtime wages earned, not pay all wages
21 owed at termination or resignation, and not to provide compliant wage statements, are evidenced by
22 Defendant's business records.

23 20. Defendant, as a matter of corporate policy, practice, and procedure, intentionally,
24 knowingly, and systematically failed to reimburse and indemnify Plaintiff and other Class Members for
25 required business expenses incurred in direct consequence of discharging their duties on behalf of
26 Defendants.

FIRST CAUSE OF ACTION
CIVIL PENALTIES PURSUANT TO PAGA § 2698 ET SEQ.

21. Plaintiff incorporates by reference and re-allege all paragraphs set forth the above as though fully set forth herein.

22. Plaintiff brings this cause of action as a proxy for the State of California and in this capacity, seek penalties on behalf of all Aggrieved Employees for Defendant's violations of the California Labor Code, including but not necessarily limited to, those Labor Code violations identified above.

23. On or about November 11, 2021, Plaintiff sent written notice to the LWDA regarding Defendant's violations of the California Labor Code, pursuant to Labor Code section 2698, *et seq.*, PAGA. Plaintiff is thus entitled to recover civil penalties on behalf of the State of California and all Aggrieved Employees for all violations of the Labor Code from November 11, 2020, through trial on this matter.

DAMAGES

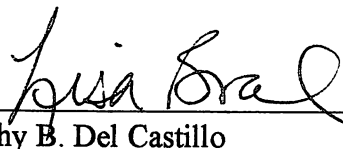
WHEREFORE Plaintiffs requests relief as follows:

1. A jury trial;
 2. For an award of Civil Penalties pursuant to Labor Code section 2698 *et seq.*, payable 75% to the State of California, and 25% to Plaintiffs and other aggrieved employees;
 3. For an award to Plaintiffs of costs of suit incurred herein and reasonable attorney's fees;
- and
4. For an award to Plaintiffs of such other and further relief as the Court deems just and proper.

Dated: January 14, 2022

Castle Law: California Employment Counsel, PC

By:



Timothy B. Del Castillo
Lisa L. Bradner
Attorneys for Plaintiff
TRACY TAYLOR and all others similarly situated