

Larry W. Lee (State Bar No. 228175)
Shalom "Christine" Choo (State Bar No. 339947)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa St., Suite 1250
Los Angeles, California 90071
(213) 488-6555
(213) 488-6554 facsimile
lwlee@diversitylaw.com
christine@diversitylaw.com

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

01/10/2022 at 05:42:35 PM

Clerk of the Superior Court
By Aida Cruz, Deputy Clerk

WILLIAM L. MARDER, ESQ. (CBN 170131)
Polaris Law Group LLP
501 San Benito Street, Suite 200
Hollister, CA 95023
Tel: (831) 531-4214
Fax: (831) 634-0333
bill@polarislawgroup.com

Edward W. Choi, Esq. SBN 211334
LAW OFFICES OF CHOI & ASSOCIATES
515 S. Figueroa St., Suite 1250
Los Angeles, CA 90071
Telephone: (213) 381-1515
Facsimile: (213) 465-4885
Email: edward.choi@choiandassociates.com

Attorneys for Plaintiff and the Aggrieved Employees

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO

PERLA MARIN, individually and on behalf of
all others similarly situated,

Plaintiff,

vs.

HB LEISURE, INC., a Florida corporation; and
DOES 1 through 50, inclusive,

Defendants.

Case No. 37-2022-00001086-CU-OE-CTL

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

DEMAND OVER \$25,000

1 Plaintiff Perla Marin (“Plaintiff”) hereby submits this Representative Action Complaint against
2 Defendant HB Leisure, Inc., a Florida corporation (“Defendant” or the “Company”), and Does 1-50
3 (hereinafter collectively referred to as “Defendants”), on behalf of herself and all aggrieved employees
4 of Defendant, for penalties for violations of the California Labor Code as follows:

5 **INTRODUCTION**

6 1. This representative action is within the Court’s jurisdiction under California Labor Code
7 §§ 201-204, 226, 510, 558, 1194, 1197, 1197.1, and 2698, *et seq.*, and the applicable Wage Orders of the
8 Industrial and Welfare Commission (the “IWC”).

9 2. This Complaint challenges systemic illegal employment practices resulting in violations
10 of the California Labor Code against employees of Defendants.

11 3. Plaintiff is informed and believes and based thereon alleges that Defendants jointly and
12 severally have acted intentionally and with deliberate indifference and conscious disregard to the rights
13 of all employees by failing to pay all earned overtime wages, as well as waiting time penalties, and
14 failure to provide accurate itemized wage statements to its employees.

15 **JURISDICTION AND VENUE**

16 4. The Court has jurisdiction over the violations of the California Labor Code §§ 201-204,
17 226, 510, 558, 1194, 1197, 1197.1, and 2698, *et seq.*

18 5. Venue is proper in San Diego County because Plaintiff and other employees worked for
19 Defendant in this County.

20 **PARTIES**

21 6. Plaintiff began employment with Defendant in or about March 2021. Plaintiff was
22 terminated on or around July 21, 2021. Plaintiff worked as a Game Operator at Defendant’s facility
23 located in San Diego, California. Plaintiff was and is a victim of the policies, practices, and customs of
24 Defendants complained of in this action in ways that have deprived Plaintiff of the rights guaranteed by
25 California Labor Code §§ 201-204, 226, 510, 558, 1194, 1197, 1197.1, and 2698, *et seq.*

26 7. Plaintiff is informed and believes and based thereon alleges that Defendant was and is a
27 corporation doing business in the State of California, including in this County.
28

1 8. Plaintiff is informed and believes and based thereon alleges that at all times herein
2 mentioned Defendant and DOES 1 through 50 are and were business entities, individuals, and
3 partnerships, licensed to do business and actually doing business in the State of California.

4 9. As such, and based upon all the facts and circumstances incident to Defendants'
5 business in California, Defendants are subject to California Labor Code §§201-204, 226, 510, 558,
6 1194, 1197, 1197.1, and 2698, *et seq.*

7 10. Plaintiff does not know the true names or capacities, whether individual, partner or
8 corporate, of the Defendants sued herein as DOES 1 through 50, inclusive, and for that reason, said
9 Defendants are sued under such fictitious names, and Plaintiff prays for leave to amend this complaint
10 when the true names and capacities are known. Plaintiff is informed and believes and based thereon
11 alleges that each of said fictitious Defendants was responsible in some way for the matters alleged
12 herein and proximately caused Plaintiff and members of the general public and aggrieved employees
13 to be subject to the illegal employment practices, wrongs and injuries complained of herein.

14 11. At all times herein mentioned, each of said Defendants participated in the doing of the
15 acts hereinafter alleged to have been done by the named Defendants; and furthermore, the Defendants,
16 and each of them, were the agents, servants and employees of each of the other Defendants, as well as
17 the agents of all Defendants, and at all times herein mentioned, were acting within the course and
18 scope of said agency and employment.

19 12. Plaintiff is informed and believes and based thereon alleges that at all times material
20 hereto, each of the Defendants named herein was the agent, employee, alter ego and/or joint venturer
21 of, or working in concert with each of the other co-Defendants and was acting within the course and
22 scope of such agency, employment, joint venture, or concerted activity. To the extent said acts,
23 conduct, and omissions were perpetrated by certain Defendants, each of the remaining Defendants
24 confirmed and ratified said acts, conduct, and omissions of the acting Defendants.

25 13. At all times herein mentioned, Defendants, and each of them, were members of, and
26 engaged in, a joint venture, partnership and common enterprise, and acting within the course and
27 scope of, and in pursuance of, said joint venture, partnership and common enterprise.
28

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

FIRST CAUSE OF ACTION

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

(BY PLAINTIFF AND AGGRIEVED EMPLOYEES AGAINST ALL DEFENDANTS)

15. Plaintiff re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

16. Plaintiff brings this cause of action as a proxy for the State of California and in this capacity, seeks penalties on behalf of all Aggrieved Employees from November 10, 2020, through the present, for Defendants' violations of Labor Code §§ 201-204, 226, 510, 558, 1194, 1197, 1197.1, and 2698, as identified above, for failing to pay all overtime wages based on the correct regular rate of pay, as well as waiting time penalties, and failing to provide accurate itemized wage statements.

17. On or about November 10, 2021, Plaintiff sent written notice to the California Labor & Workforce Development Agency (“LWDA”) of Defendants’ violations of Labor Code §§ 201-204, 226, 510, 558, 1194, 1197, and 1197.1, pursuant to Labor Code § 2698, et seq., the Private Attorneys General Act (“PAGA”). Plaintiff also sent written notice of said Labor Code violations to Defendant via certified mail pursuant to Labor Code § 2699.3. As of the date of the filing of this Complaint, the LWDA has not provided written notice regarding whether it intends to investigate the Labor Code violations set forth in Plaintiff’s written notice.

18. As such, pursuant to Labor Code § 2699(a), Plaintiff seeks recovery of any and all applicable civil penalties for Defendants' violation of Labor Code §§ 201-204, 226, 510, 558, 1194, 1197, 1197.1, and 2698 for the time period described above, on behalf of herself and other Aggrieved

1 Employees.

2
3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiff prays for judgment individually and all others on whose behalf this
5 suit is brought against Defendants, jointly and severally, as follows:

6 1. Upon the First Cause of Action, for civil penalties according to proof pursuant to the
7 PAGA, Labor Code Sections 2698, et seq., Labor Code Section 226.3, and for costs and attorneys'
8 fees;

9 2. On all causes of action for attorneys' fees and costs as provided by California Code of
10 Civil Procedure section 1021.5; and

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

12 DATED: January 10, 2022

DIVERSITY LAW GROUP, P.C.

13
14 By: 

Larry W. Lee

15 Attorneys for Plaintiff and the Aggrieved
16 Employees