

FILED
SUPERIOR COURT-STOCKTON

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BY FAX

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN JOAQUIN**

STK-CV-~~UOE~~ 2021- 154

ANISHA WISE, individually and on behalf of all
others similarly situated,

Plaintiff,

vs.

LA PETITE ACADEMY, INC., a Delaware
corporation; and DOES 1 through 50, inclusive,

Defendants.

Case No.

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

DEMAND OVER \$25,000

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

6 **INTRODUCTION**

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

10 2. This Complaint challenges systemic illegal employment practices resulting in
11 violations of the California Labor Code against Defendant’s employees.

12 3. Plaintiff is informed and believes and based thereon alleges that Defendants jointly and
13 severally have acted intentionally and with deliberate indifference and conscious disregard to the
14 rights of all employees by failing to provide accurate and complete wage statements to these
15 employees.

16 **JURISDICTION AND VENUE**

17 4. The Court has jurisdiction over the violations of California Labor Code sections 226
18 and 2698 *et seq.*

19 5. Venue is proper in San Joaquin County because Plaintiff worked for Defendant in the
20 City of Stockton, California.

21 **PARTIES**

22 6. In or around 2018, Plaintiff was hired by Defendant and worked as a non-exempt
23 teacher. Plaintiff’s employment ended on or about September 29, 2021.

24 7. Plaintiff is informed and believes and based thereon alleges that Defendant was and is a
25 corporation which operates schools throughout the United States, including in San Joaquin County.

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

1 9. As such, and based upon all the facts and circumstances incident to Defendants'
2 business in California, Defendants are subject to Labor Code sections 226 and 2698 *et seq.*, and the
3 applicable Wage Orders.

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

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

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

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

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

1 herein. At all times herein mentioned, the Defendants, and each of them, aided and abetted the acts
2 and omissions of each and all of the other Defendants in proximately causing the damages as herein
3 alleged.

4 **FIRST CAUSE OF ACTION**

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

6 **(BY PLAINTIFF AND AGGRIEVED EMPLOYEES AGAINST ALL DEFENDANTS)**

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

9 16. Plaintiff brings this cause of action, on behalf of and as a proxy for the State of
10 California and in this capacity, seeks penalties on behalf of all Aggrieved Employees from November
11 3, 2020, through the present, for Defendant's violation of Labor Code section 226.

12 17. Labor Code section 226 requires that an employer provide an itemized wage statement
13 every time wages are paid to an employee. Defendant failed in its affirmative obligation to provide
14 accurate and complete wage statements.

15 18. Plaintiff and the Aggrieved Employees were paid on an hourly basis. As such, the wage
16 statements should have reflected the total hours worked during the pay period, pursuant to Labor Code
17 section 226(a)(2). The wage statements provided to Plaintiff and the Aggrieved Employees failed to
18 accurately identify such information. More specifically, when overtime wages were paid, the hours
19 shown on the corresponding wage statements do not equal the actual total hours worked during the
20 pay period. Separately, when overtime wages were paid, some of the wage statements identified two
21 completely different total hours worked.

22 19. On or about November 3, 2021, Plaintiff sent written notice to the California Labor &
23 Workforce Development Agency ("LWDA") of Defendant's violations of Labor Code section 226,
24 pursuant to Labor Code § 2698, *et seq.*, the Private Attorneys General Act ("PAGA"). To date, the
25 LWDA has not responded to Plaintiff's written notice.

26 20. As such, pursuant to Labor Code section 2699(a), Plaintiff seeks recovery of any and
27 all applicable civil penalties for Defendant's violation of Labor Code section 226 for the time period
28 described above, on behalf of herself and other Aggrieved Employees.

1 **PRAYER FOR RELIEF**

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

4 1. Upon the First Cause of Action, for civil penalties pursuant to statute as set forth in
5 California Labor Code sections 226.3 and 2699, and for costs and attorney's fees;

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

8 3. For such other and further relief the Court may deem just and proper.
9

10 DATED: January 7, 2022

DIVERSITY LAW GROUP, P.C.

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12 By: 
13 Larry W. Lee
14 Attorneys for Plaintiff and the Aggrieved
15 Employees
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