

Larry W. Lee (State Bar No. 228175)
Kristen M. Agnew (State Bar No. 247656)
Nicholas Rosenthal (State Bar No. 268297)

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
kagnew@diversitylaw.com
nrosenthal@diversitylaw.com

William L. Marder (SBN 170131)

bill@polarislawgroup.com

POLARIS LAW GROUP

501 San Benito Street, Suite 200

Hollister, CA 95023

Telephone: (831) 531-4214

Facsimile: (831) 634-0333

Attorneys for Plaintiff and the Aggrieved Employees

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

JAN 05 2022

BY 
DEILONZO BOARD, DEPUTY

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

EVERETT ALEXANDER, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

KBR TECHNICAL SERVICES, INC., a Delaware
corporation; and DOES 1 through 50, inclusive,

Defendants.

Case No. **CIV SB 2200363**

**REPRESENTATIVE ACTION COMPLAINT
FOR VIOLATION OF LABOR CODE § 2698,
ET. SEQ.**

SC-2022-09067 DB

\$435.00

DEMAND OVER \$25,000

1 Plaintiff Everett Alexander (“Plaintiff”) hereby submits this Representative Action Complaint
2 against Defendant KBR Technical Services, Inc., a Delaware corporation (“Defendant” or
3 “Company”), and Does 1-50 (hereinafter collectively referred to as “Defendants”), on behalf of
4 himself and other Aggrieved Employees of Defendant, for penalties under the California Labor Code
5 as 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 Bernardino County because Plaintiff worked for Defendant in
20 the City of Fort Irwin, California.

21 **PARTIES**

22 6. In or around September 2020, Plaintiff was hired by Defendant as a Tactical Vehicle
23 Inspector. Throughout Plaintiff’s employment, he has been an hourly, non-exempt employee.

24 7. Plaintiff is informed and believes and based thereon alleges that Defendant was and is a
25 limited liability company which operates retail stores throughout the United States, including in San
26 Bernardino County.

27 8. Plaintiff is informed and believes and based thereon alleges that at all times herein
28 mentioned Defendant and DOES 1 through 50 are and were business entities, individuals, and

1 partnerships, licensed to do business and actually doing business in the State of California.

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

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

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

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

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

26 14. At all times herein mentioned, the acts and omissions of various Defendants, and each
27 of them, concurred and contributed to the various acts and omissions of each and all of the other
28 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, ON BEHALF OF THE STATE 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 1, 2020, through the present, for Defendant's policy and practice of failing to provide accurate wage statements, in violation of Labor Code section 226.

17. Labor Code section 226(a)(8) requires that employers provide accurate itemized statements showing the name and address of the legal entity that is the employer. The wage statements provided to Aggrieved Employees failed to include such information. Instead, the wage statements only identified the Company's name as "KBR Tech Services Inc." and did not identify any address for the Company.

18. Separately, whenever Aggrieved Employees received payment of overtime and/or double overtime wages, the corresponding wage statement failed to identify all applicable hourly rates in effect during the pay period, in violation of Labor Code section 226(a)(9). Rather, the wage statements simply showed the same rate of pay for all wages paid.

19. On or about November 1, 2021, Plaintiff sent written notice to the California Labor & Workforce Development Agency ("LWDA") of Defendant's violations of Labor Code section 226, pursuant to Labor Code section 2698, *et seq.*, the Private Attorney General Act ("PAGA"). More than sixty-five days has elapsed since Plaintiff sent written notice. To date, the LWDA has not responded to Plaintiff's written notice.

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

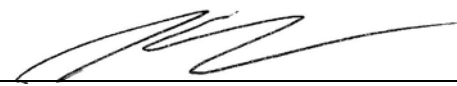
4 **PRAYER FOR RELIEF**

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

- 7 1. Upon the First Cause of Action, for civil penalties according to proof pursuant to Labor
8 Code section 2698, *et seq.*, and for costs and attorneys' fees
- 9 2. On all causes of action, for attorneys' fees and costs as provided by California Labor
10 Code section 2698 *et seq.* and Code of Civil Procedure section 1021.5; and
- 11 3. For such other and further relief as the Court may deem just and proper.

12
13 DATED: January 5, 2022

DIVERSITY LAW GROUP, P.C.

14
15 By:  _____

Larry W. Lee

16 Attorneys for Plaintiff and the Aggrieved
17 Employees
18
19
20
21
22
23
24
25
26
27
28