

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

2

3
4

5
6
7

8
9

10
11
12

13
14
15
16

17
18
19
20
21
22

24

25

26

27

28

1 premiums at the correct regular rate of pay; Defendants paid various non-discretionary
2 incentives/bonuses, including, but not limited to, "Reward CCR," in addition to hourly wages, but
3 such nondiscretionary wages were not included in the regular rate for purposes of overtime and
4 meal/rest period premiums. This violated Labor Code sections 201, 202, 203, 226(a), 226.7, 510,
5 512, 558, 1194, 2698, et seq. As a result various PAGA penalties apply, including, but not limited
6 to, Labor Code sections 226.3, 1197.1, and 2699.

7 10. Plaintiffs and the aggrieved employees were not able to leave the facilities for alleged rest
8 breaks in violation of Wage Order 5 and Labor Code sections 226.7 and 1198. The PAGA penalties
9 under Labor Code section 2699 are \$100 per employee for the initial violation, and \$200 per
10 employee for each subsequent violation.

11 11. Plaintiffs are also entitled to attorney fees under Labor Code sections 2699 and California
12 Code of Civil Procedure section 1021.5.

13
14 **PRAYER FOR RELIEF**

15 **First Cause of Action**

- 16 1. All applicable PAGA penalties
17 2. Attorney's fees and costs
18 3. Other relief the court deems proper

19
20 Date: September 1, 2023

FRONTIER LAW CENTER

21 *Adam Rose*

22 _____
23 Adam Rose
24 Attorney for Plaintiffs
25
26
27
28