

FILED
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Sacramento
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ddonkln
By _____, Deputy
Case Number:
34-2022-00316273

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BY FAX

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO**

VINCENT RAMSEY JR., individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

PACKAGING CORPORATION OF AMERICA, a
Delaware corporation; PCA CENTRAL
CALIFORNIA CORRUGATED, LLC, a Delaware
Limited Liability Company; and DOES 1 through
50, inclusive,

Defendants.

Case No.

**PAGA REPRESENTATIVE ACTION
COMPLAINT FOR:**

**(1) VIOLATION OF LABOR CODE § 2698,
ET SEQ., THE PRIVATE ATTORNEYS
GENERAL ACT**

DEMAND OVER \$25,000

1 Plaintiff Vincent Ramsey Jr. ("Plaintiff") hereby submits this PAGA Representative Action
2 Complaint against Defendant Packaging Corporation of America ("Packaging"), a Delaware
3 corporation, PCA Central California Corrugated, LLC ("PCA"), a Delaware Limited Liability
4 Company, and Does 1-50 (hereinafter collectively referred to as "Defendants"), on behalf of himself
5 and all other aggrieved employees of Defendant for penalties pursuant to the Private Attorneys
6 General Act, Labor Code § 2698, *et seq.* ("PAGA"), for Defendants' violations of the California
7 Labor Code as follows:

8 **INTRODUCTION**

9 1. This Complaint is within the Court's jurisdiction under California Labor Code section
10 226 and 2698, *et seq.* and the applicable Wage Orders of the Industrial and Welfare Commission (the
11 "IWC").

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

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

18 **JURISDICTION AND VENUE**

19 4. The Court has jurisdiction over the violations of California Labor Code section 226 and
20 2698, *et seq.*

21 5. Venue is proper in Sacramento County because Plaintiff worked for Defendants in the
22 City of Carmichael, California.

23 **PARTIES**

24 6. In or around May 18, 2018, Plaintiff was hired by Defendants as an Assistant Operator.
25 Throughout Plaintiff's employment, he has been an hourly, non-exempt employee.

26 7. Plaintiff is informed and believes and based thereon alleges that Defendant Packaging
27 was and is a corporation which operates as a box manufacturer throughout the United States, including
28 in Sacramento County.

1 8. Plaintiff is informed and believes and based thereon alleges that Defendant PCA was
2 and is a limited liability company which operates as a box manufacturer throughout the United States,
3 including in Sacramento County.

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

7 10. As such, and based upon all the facts and circumstances incident to Defendants'
8 business in California, Defendants are subject to Labor Code section 226 and the applicable Wage
9 Orders.

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

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

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

28 14. At all times herein mentioned, Defendants, and each of them, were members of, and

engaged in, a joint venture, partnership, and common enterprise, and acting within the course and scope of, and in pursuance of, said joint venture, partnership, and common enterprise.

15. 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)

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

17. On or about December 18, 2021, Plaintiff sent written notice to the California Labor & Workforce Development Agency (“LWDA”) of Defendants’ violations of Labor Code § 226, pursuant to the PAGA. In addition to the LWDA, Plaintiff also sent his notice to Defendants via certified mail pursuant to Labor Code § 2699.3.

18. As of the date of the filing of this Complaint, the LWDA has not responded to Plaintiff’s written notice nor indicated that it intends to investigate the Labor Code violations provided for in the written notice.

19. As such, pursuant to Labor Code § 2699(a), Plaintiff seeks recovery of any and all applicable civil penalties for Defendants’ violations of Labor Code § 226 for the time period described above, on behalf of herself and other Aggrieved Employees.

20. California Labor Code section 226(a) places an affirmative obligation on employers to provide accurate itemized wage statements. Defendant, as a matter of policy and practice, did not provide complete and accurate wage statements to Plaintiff and the Aggrieved Employees, in violation of Labor Code section 226(a).

21. Whenever Plaintiff and the Aggrieved Employees received payment of overtime and/or shift differential wages, the corresponding wage statement failed to identify the accurate total hours worked, in violation of Labor Code 226(a).

22. Defendants also issued wage statements to Plaintiff and the Aggrieved Employees that did not identify the correct applicable rate of pay for overtime wages in violation of Labor Code section 226(a)(9).

23. Such a pattern, practice and uniform administration of corporate policy as described herein is unlawful and creates an entitlement to recovery by the Plaintiff and the Aggrieved Employees for civil penalties, pursuant to Labor Code §§ 226, 226.3, and 2698, *et seq.*

PRAYER FOR RELIEF

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

1. Upon the First Cause of Action, for the full amount of penalties pursuant to statute as set forth in California Labor Code section 226, 226.3, and 2698, *et seq.*, and for costs and attorneys' fees;

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

DATED: March 3, 2022

DIVERSITY LAW GROUP, P.C.

By:

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