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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.

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. 34-2021-00313350-CU-OE-GDS
[Consolidated with 34-2022-00316273-CU-OE-
GDS]

**FIRST AMENDED CONSOLIDATED CLASS
AND REPRESENTATIVE ACTION
COMPLAINT FOR:**

**(1) VIOLATION OF LABOR CODE § 226;
(2) VIOLATION OF LABOR CODE § 2698,
ET SEQ.**

DEMAND OVER \$25,000.00

Complaint Filed: March 3, 2022
Trial Date: None

BY FAX

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1 Plaintiff Vincent Ramsey Jr. ("Plaintiff") hereby submits this Class Action Complaint against
2 Defendant Packaging Corporation of America ("Packaging"), a Delaware corporation, PCA Central
3 California Corrugated, LLC ("PCA"), a Delaware Limited Liability Company, and Does 1-50
4 (hereinafter collectively referred to as "Defendants"), individually and on behalf of a class of all other
5 similarly situated current and former employees of Defendant for penalties and/or damages for failure to
6 provide accurate and complete wage statements as follows:

7 **INTRODUCTION**

8 1. This class action is within the Court's jurisdiction under California Labor Code section
9 226 and the applicable Wage Orders of the Industrial and Welfare Commission (the "IWC").

10 2. This Complaint challenges systemic illegal employment practices resulting in violations
11 of the California Labor Code against Defendants' 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 rights
14 of all employees by failing to provide accurate and complete wage statements to these employees.

15 **JURISDICTION AND VENUE**

16 4. The Court has jurisdiction over the violations of California Labor Code section 226, and
17 the Private Attorneys General Act ("PAGA"), Cal. Lab. Code § 2698, et seq.

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

20 **PARTIES**

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

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

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

1 9. 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 10. As such, and based upon all the facts and circumstances incident to Defendants' business
5 in California, Defendants are subject to Labor Code section 226, the PAGA, and the applicable Wage
6 Orders.

7 11. 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 class members to be subject to the illegal employment
13 practices, wrongs and injuries complained of herein.

14 12. 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 scope
18 of said agency and employment.

19 13. 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 of,
21 or working in concert with each of the other co-Defendants and was acting within the course and scope
22 of such agency, employment, joint venture, or concerted activity. To the extent said acts, conduct, and
23 omissions were perpetrated by certain Defendants, each of the remaining Defendants confirmed and
24 ratified said acts, conduct, and omissions of the acting Defendants.

25 14. 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 scope
27 of, and in pursuance of, said joint venture, partnership, and common enterprise.

28 15. At all times herein mentioned, the acts and omissions of various Defendants, and each of

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

6 **CLASS ACTION ALLEGATIONS**

7 16. **Definition:** The named individual Plaintiff seeks class certification, pursuant to
8 California Code of Civil Procedure section 382, of the following class:

- 9 a. All current and former non-exempt employees of Defendant in the State of California
10 who were paid overtime and/or shift differential wages at any time from December 29,
11 2020, through the present (the “Class” or “Class Members”).
- 12 b. All current and former non-exempt employees of Defendant in the State of California
13 who were paid overtime wages at any time from December 29, 2020, through the present
14 (the “Overtime Sub-Class”).
- 15 c. All current and former non-exempt employees of Defendant in the State of California
16 who were paid shift differential wages at any time from December 29, 2020, through the
17 present (the “Shift Differential Sub-Class”)

18 17. **Numerosity and Ascertainability:** The members of the Class are so numerous that
19 joinder of all members would be impractical, if not impossible. The identity of the members of the Class
20 is readily ascertainable by review of Defendant’s records, including payroll records. Plaintiff is informed
21 and believes and based thereon alleges that Defendant failed to provide accurate and complete wage
22 statements in violation of Labor Code section 226.

23 18. **Adequacy of Representation:** The named Plaintiff is fully prepared to take all
24 necessary steps to represent fairly and adequately the interests of the class defined above. Plaintiff’s
25 attorneys are ready, willing, and able to fully and adequately represent the class and individual Plaintiff.
26 Plaintiff’s attorneys have prosecuted and settled wage-and-hour class actions in the past and currently
27 have a number of wage-and-hour class actions pending in California courts.

28 19. Defendant uniformly administered a corporate policy, practice of failing to provide

1 accurate and complete wage statements in violation of Labor Code section 226.

2 20. **Common Question of Law and Fact:** There are predominant common questions of law
3 and fact and a community of interest amongst Plaintiff and the claims of the Class concerning Defendant
4 failing to provide accurate and complete wage statements in violation of Labor Code section 226.

5 21. **Typicality:** The claims of Plaintiff are typical of the claims of all members of the Class
6 in that Plaintiff has suffered the harm alleged in this Complaint in a similar and typical manner as the
7 Class Members. As with other employees, Plaintiff received itemized wage statements concurrent with
8 the payment of wages. The wage statements provided to Plaintiff and other employees failed to identify
9 the accurate total hours worked whenever overtime and/or shift differential wages were paid, as required
10 by Labor Code section 226(a). In addition, whenever Plaintiff received payment of overtime wages, the
11 corresponding wage statement failed to identify the correct applicable hourly rates in effect during the
12 pay period, in violation of Labor Code section 226(a)(9). As such, Plaintiff is a member of the Class and
13 has suffered the alleged violations of California Labor Code section 226 and the applicable Wage
14 Orders.

15 22. The California Labor Code and upon which Plaintiff bases these claims is broadly
16 remedial in nature. These laws and labor standards serve an important public interest in establishing
17 minimum working conditions and standards in California. These laws and labor standards protect the
18 average working employee from exploitation by employers who may seek to take advantage of superior
19 economic and bargaining power in setting onerous terms and conditions of employment.

20 23. The nature of this action and the format of laws available to Plaintiff and members of the
21 Class identified herein make the class action format a particularly efficient and appropriate procedure to
22 redress the wrongs alleged herein. If each employee were required to file an individual lawsuit, the
23 corporate Defendants would necessarily gain an unconscionable advantage since it would be able to
24 exploit and overwhelm the limited resources of each individual plaintiff with their vastly superior
25 financial and legal resources. Requiring each Class member to pursue an individual remedy would also
26 discourage the assertion of lawful claims by employees who would be disinclined to file an action
27 against their former and/or current employer for real and justifiable fear of retaliation and permanent
28 damage to their careers at subsequent employment.

24. The prosecution of separate actions by the individual class members, even if possible, would create a substantial risk of (a) inconsistent or varying adjudications with respect to individual Class members against the Defendant and which would establish potentially incompatible standards of conduct for the Defendant, and/or (b) adjudications with respect to individual Class members which would, as a practical matter, be dispositive of the interest of the other Class members not parties to the adjudications or which would substantially impair or impede the ability of the Class members to protect their interests. Further, the claims of the individual members of the Class are not sufficiently large to warrant vigorous individual prosecution considering all of the concomitant costs and expenses.

25. Such a pattern, practice, and uniform administration of corporate policy regarding illegal employee compensation described herein is unlawful and creates an entitlement to recovery by the Plaintiff and the Class identified herein of a common fund, including interest thereon, applicable penalties, reasonable attorneys' fees, and costs of suit according to the mandate of California Labor Code section 226 and Code of Civil Procedure section 1021.5.

26. Proof of a common business practice or factual pattern, which the named Plaintiff experienced and are representative of, will establish the right of each of the members of the Class to recovery on the causes of action alleged herein.

FIRST CAUSE OF ACTION

VIOLATION OF LABOR CODE § 226

**(BY PLAINTIFF, THE CLASS, THE SHIFT DIFFERENTIAL SUB-CLASS AND THE
OVERTIME SUB-CLASS AGAINST ALL DEFENDANTS)**

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

28. 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 Class, in violation of Labor Code section 226(a).

29. Whenever Plaintiff and the Class received payment of overtime and/or shift differential wages, the corresponding wage statement failed to identify the accurate total hours worked, in violation

1 of Labor Code 226(a).

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

4 31. Such a pattern, practice and uniform administration of corporate policy as described
5 herein is unlawful and creates an entitlement to recovery by the Plaintiff and the Class identified herein,
6 in a civil action, for all damages or penalties pursuant to Labor Code section 226, including interest
7 thereon, attorneys' fees, and costs of suit according to the mandate of California Labor Code section
8 226.

9 **SECOND CAUSE OF ACTION**

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

11 **(BY PLAINTIFF, ON BEHALF OF THE STATE OF CALIFORNIA AND AGGRIEVED**
12 **EMPLOYEES, AGAINST ALL DEFENDANTS)**

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

15 33. Plaintiff brings this cause of action for violation of PAGA as a proxy for the State of
16 California and in this capacity, will seek penalties on behalf of all Aggrieved Employees from December
17 21, 2020, through the present, for Defendants' violations of Labor Code § 226(a) arising from
18 Defendants' failure to identify the accurate total hours worked whenever overtime and/or shift
19 differential wages were paid, as required by Labor Code section 226(a). In addition, whenever Plaintiff
20 or Aggrieved Employees received payment of overtime wages, the corresponding wage statements
21 failed to identify the correct applicable hourly rates in effect during the pay period, in violation of Labor
22 Code section 226(a)(9).

23 34. On or about December 21, 2021, Plaintiff Vincent Ramsey Jr. sent written notice to the
24 California Labor & Workforce Development Agency ("LWDA") of Defendants' violations of Labor
25 Code § 226(a), pursuant to PAGA. As of the date of the filing of this Complaint, the LWDA has yet to
26 provide notice to Plaintiff as to whether it intends to investigate the violations provided for in the written
27 notice. In addition to the LWDA, Plaintiff also sent written notice to Defendants via certified mail
28 according to Labor Code § 2699.3.

35. As such, pursuant to Labor Code § 2699(a), Plaintiff will seek recovery of any and all

1 applicable civil penalties for Defendants' violation of Labor Code § 226(a), for the time period
2 described above, on behalf of Plaintiff and other Aggrieved Employees.

3 **PRAYER FOR RELIEF**

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

- 6 1. For an order certifying the proposed Class;
 - 7 2. For an order appointing Plaintiff as the representative of the Class as described herein;
 - 8 3. For an order appointing counsel for Plaintiff as Class counsel;
 - 9 4. Upon the First Cause of Action, for damages and/or penalties pursuant to statute as set
10 forth in California Labor Code section 226, and for costs and attorneys' fees;
 - 11 5. Upon the Second Cause of Action, for penalties pursuant to California Labor Code
12 §§ 226.3 and 2698, *et seq.*, and for costs and attorneys' fees;
 - 13 6. On all causes of action, for attorneys' fees and costs as provided by California Labor
14 Code section 226 and Code of Civil Procedure section 1021.5; and
- 15 For such other and further relief as the Court may deem just and proper.

16
17
18 DATED: July 1, 2022

DIVERSITY LAW GROUP, P.C.
WEBBER LAW GROUP

19 By: 
20 Larry W. Lee
21 Max W. Gavron
22 Attorneys for Plaintiff and the Class
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STATE OF CALIFORNIA]
]ss.
COUNTY OF LOS ANGELES]

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 515 S. Figueroa Street, Suite 1250, Los Angeles, California 90071.

On July 1, 2022, I served the following document(s) described as: **FIRST AMENDED CONSOLIDATED CLASS AND REPRESENTATIVE ACTION COMPLAINT** on the interested parties in this action as follows:

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Jo B. Gbujama
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Corrugated, LLC*

 X BY ELECTRONIC MAIL: by personally sending a true and correct copy of the above-described document(s) to the party(ies) listed above or on the attached mailing list from the e-mail server diversitylaw.com, to the electronic transmission address of the recipient(s) indicated above or on the attached mailing list. I certify that said electronic transmission was completed and that all pages were received by the party(ies) identified herein or on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on July 1, 2022, at Los Angeles, California.


Erika Mejia