

FILED
Superior Court Of California,
Sacramento
02/17/2022
mwhitaker
By _____, Deputy
Case Number:
34-2022-00315620

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

20 BILLY FORD, as an individual and on
21 behalf of all others similarly situated,

22 Plaintiff,

23 vs.

24 THE SILVER F, INC., a California
25 corporation; and DOES 1 through 50,
26 inclusive,

27 Defendants.
28

CASE NO.

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

DEMAND EXCEEDS \$25,000.00

1 Plaintiff Billy Ford (“Plaintiff”) hereby submits this Representative Action Complaint
2 against Defendant The Silver F, Inc., a California corporation (“Defendant” or “Company”), and
3 Does 1-50 (hereinafter collectively referred to as “Defendants”), individually, and on behalf of
4 himself and all aggrieved employees of Defendant, for penalties for violations of the California
5 Labor Code as follows:

6 **INTRODUCTION**

7 1. This representative action is within the Court’s jurisdiction under California Labor
8 Code §§ 201-204, 226(a), 226.2, 510, 558, 1194, 1197, 1197.1, 2698, *et seq.*, and the applicable
9 Wage Orders of the Industrial and Welfare 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
13 and severally have acted intentionally and with deliberate indifference and conscious disregard to
14 the rights of all employees by failing to provide accurate and complete wage statements, and
15 failure to pay minimum, regular, and overtime wages for all hours worked to its employees in the
16 State of California.

17 **JURISDICTION AND VENUE**

18 4. The Court has jurisdiction over the violations of California Labor Code §§ 201-
19 204, 226(a), 226.2, 510, 558, 1194, 1197, 1197.1, and 2698, *et seq.*

20 5. Venue is proper in Sacramento County, because Defendants are located in
21 Sacramento County and Plaintiff worked for Defendants in Sacramento County.

22 **PARTIES**

23 6. Plaintiff was employed by Defendants as a Security Guard from about September
24 2017, to about December 1, 2021. During his employment with Defendants, Plaintiff worked as a
25 non-exempt employee.

26 7. Plaintiff is informed and believes, and based thereon alleges, that Defendant The
27 Silver F, Inc. was and is a California corporation that maintains operations and does business in
28 the State of California, including in Sacramento County, California. Plaintiff is informed and
believes, and based thereon alleges, that Defendant operates as a casino.

1 8. 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 9. As such, and based upon all the facts and circumstances incident to Defendants'
5 business in California, Defendants are subject to Labor Code §§ 201-204, 226(a), 226.2, 510, 558,
6 1194, 1197, 1197.1, 2698, *et seq.*, and the applicable IWC Wage Orders.

7 10. 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,
9 said Defendants are sued under such fictitious names, and Plaintiff prays for leave to amend this
10 complaint when the true names and capacities are known. Plaintiff is informed and believes and
11 based thereon alleges that each of said fictitious Defendants was responsible in some way for the
12 matters alleged herein and proximately caused Plaintiff and aggrieved employees to be subject to
13 the illegal employment practices, wrongs and injuries complained of herein.

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

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

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

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

8 **FIRST CAUSE OF ACTION**

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

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

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

13 16. Plaintiff brings this cause of action as a proxy for the State of California and in this
14 capacity, seeks penalties on behalf of all Aggrieved Employees from December 21, 2020, through
15 the present, for Defendants' violations of Labor Code §§ 201-204, 226(a), 226.2, 510, 558, 1194,
16 1197, 1197.1, and 2698, as identified above, for failing to provide accurate itemized wage
17 statements, and failure to pay minimum, regular, and overtime wages for all hours worked.
18 Specifically, Defendants required Plaintiff and Aggrieved Employees to undergo temperature
19 check procedures prior to the start of the work shift. Said temperature check procedures were
20 conducted off-the-clock – before Plaintiff and Aggrieved Employees clocked in for their shifts.
21 Defendants failed to pay Plaintiff and Aggrieved Employees for any time spent undergoing said
22 temperature check procedures, and thus Plaintiff and Aggrieved Employees were not paid
23 minimum, regular, and overtime wages for all hours worked. As a result of the foregoing
24 violation, Defendant failed to pay Plaintiff and Aggrieved Employees all of their wages upon
25 termination of employment. Further, as a result of Defendant's failure to pay wages as alleged
26 above, Defendant violated Labor Code §226(a) as the wage rates, total hours worked, and
27 net/gross wages earned shown on the wage statements were inaccurate to the violations set forth
28 above.

17. On or about December 21, 2021, Plaintiff sent written notice to the California Labor & Workforce Development Agency (“LWDA”) of Defendants’ violation of Labor Code § 201-204, 226(a), 226.2, 510, 558, 1194, 1197, and 1197.1, pursuant to Labor Code § 2698, *et seq.*, the Private Attorneys General Act (“PAGA”). Plaintiff also sent written notice of said Labor Code violations to Defendant via certified mail pursuant to Labor Code § 2699.3. As of the date of the filing of this Complaint, the LWDA has not provided written notice regarding whether it intends to investigate the Labor Code violations set forth in Plaintiff’s written notice.

18. As such, pursuant to Labor Code § 2699(a), Plaintiff seeks recovery of any and all applicable civil penalties for Defendants' violation of Labor Code §§ 201-204, 226(a), 226.2, 510, 558, 1194, 1197, 1197.1, and 2698 for the time period described above, on behalf of himself and other Aggrieved Employees.

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 civil penalties according to proof pursuant to the PAGA, Labor Code §226.3, and for costs and attorneys' fees;

2. On all causes of action for attorneys' fees and costs as provided by Labor Code §2699 and California Code of Civil Procedure section 1021.5; and

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

DATED: February 17, 2022

DIVERSITY LAW GROUP, P.C.

By:

By: 
Larry W. Lee
State of California

Shalom “Christine” Choo
Attorneys for Plaintiff and the Aggrieved
Employees