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Attorney for Plaintiff
Nathan Pope

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

22CV396267

NATHAN POPE, on behalf of himself and all aggrieved employees,	) NO.
	)
Plaintiff,	) COMPLAINT FOR PAGA PENALTIES
	)
v.	)
	)
ACCENTURE FLEX, LLC, and DOES 1 to 100,	)
	)
Defendants.	)

PRELIMINARY ALLEGATIONS

1. Plaintiff Nathan Pope is a resident of Santa Clara County.
2. Defendant Accenture Flex, LLC is a Illinois limited liability company that is authorized to transact business in California, and Accenture Flex, LLC has an office in San Jose making Santa Clara County the correct venue.
3. Plaintiff does not know the names and capacities of Does 1 to 100 and therefore use fictitious names. Plaintiff will amend pursuant to Code of Civil Procedure section 474 when the names and capacities are known.
4. On December 7, 2021, Plaintiff sent a PAGA letter by certified mail to Accenture Flex, LLC and uploaded the letter to the Labor and Workforce Development Agency website.

5. Since it has been more than 65 days since the letter was sent and the Labor and Workforce Development Agency has not sent a notice of any intent to investigate, Plaintiff may now proceed with this PAGA case. Further, the statute of limitations was tolled during the waiting period pursuant to Labor Code section 2699.3(d), i.e., another 65 days is added.

6. Defendants are temporary service employers pursuant to Labor Code section 201.3(a)(1).

7. Since Defendants are temporary service employers, certain requirements apply for wage statements and the notice required under the Wage Theft Prevention Act.

8. The aggrieved employees are all employees who were assigned by Defendants from December 7, 2020 to the final disposition of this action.

FIRST CAUSE OF ACTION

PAGA PENALTIES

Against All Defendants

9. Plaintiff incorporates by reference paragraphs 1 to 9 of the complaint.

10. For the wage statements, Labor Code section 226(a)(9) states that when the employer is a temporary services employer, the wage statements must list the rate of pay and the total hours worked for each temporary services assignment.

11. Plaintiff's and the aggrieved employees' wage statements did not comply with this, so the PAGA penalties in Labor Code section 2699 apply. (See *Gunther v. Alaska Airlines, Inc.* (2021) 72 Cal.App.4th 334.)

12. Further, the notice that must be provided to employees under Labor Code section 2810.5 contains subdivision (a)(3), which provides that if the employer is a temporary services employer, the Notice to Employee must also include the name, the physical address of the main office, the mailing address if different from the physical address of the main office, and the telephone number of the legal entity for whom the employee will perform work.

13. Defendants did not provide the above information in the Notices to Employees, so the PAGA penalties in Labor Code 2699 apply.

14. Further, Plaintiff is entitled to attorney fees and costs under Labor Code section 2699.

1 PRAYER

2 First Cause of Action

3 1. All applicable PAGA penalties

4 2. Attorney fees and costs

5 3. Other relief the court deems proper

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7 Date: March 28, 2022

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/s/ Adam Rose
Attorney for Plaintiff
Nathan Pope

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