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Attorneys for Plaintiff and the Aggrieved
Employees

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SANTA CLARA

ANGEL MCFARLAND, as an individual
and on behalf of all others similarly
situated,

Plaintiff,

v.

HELIX ELECTRIC, INC., a California
corporation; and DOES 1 through 50,
inclusive,

Defendants.

CASE NO. 22CV394399

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

DEMAND EXCEEDS \$25,000.00

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

6 **INTRODUCTION**

7 1. This representative action is within the Court’s jurisdiction under California Labor
8 Code §§ 226, 2698, *et seq.*, and the applicable Wage Orders of the Industrial and Welfare
9 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 to these
15 employees.

16 **JURISDICTION AND VENUE**

17 4. The Court has jurisdiction over the violations of California Labor Code §§ 226 and
18 2698, *et seq.*

19 5. Venue is proper in Santa Clara County because Plaintiff worked for Defendant in
20 the City of Sunnyvale, California.

21 **PARTIES**

22 6. In or around November 8, 2021, Plaintiff was hired by Defendant as an
23 Electrician. On or about November 12, 2021, Plaintiff’s employment with Defendant ended.
24 Throughout Plaintiff’s employment, he has been an hourly, non-exempt employee.

25 7. Plaintiff is informed and believes and based thereon alleges that Defendant was
26 and is a corporation which operates electrical and engineering services throughout the State of
27 California, including in Santa Clara County, where Plaintiff worked.

28 8. Plaintiff is informed and believes and based thereon alleges that at all times herein
mentioned Defendant and DOES 1 through 50 are and were business entities, individuals, and

1 partnerships, licensed to do business and actually doing business in the State of California.

2 9. As such, and based upon all the facts and circumstances incident to Defendants'
3 business in California, Defendants are subject to Labor Code §§ 226, 2698, *et seq.*, and the
4 applicable IWC Wage Orders.

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

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

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

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

27 14. At all times herein mentioned, the acts and omissions of various Defendants, and
28 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

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

5 **FIRST CAUSE OF ACTION**

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

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

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

10 16. Plaintiff brings this cause of action as a proxy for the State of California and in this
11 capacity, seeks penalties on behalf of all Aggrieved Employees from December 1, 2020, through
12 the present, for Defendants' violations of Labor Code §§ 226 and 2698, as identified above, for
13 failing to provide accurate itemized wage statements.

14 17. On or about December 1, 2021, Plaintiff sent written notice to the California Labor
15 & Workforce Development Agency ("LWDA") of Defendants' violation of Labor Code § 226,
16 pursuant to Labor Code § 2698, *et seq.*, the Private Attorneys General Act ("PAGA"). Plaintiff
17 also sent written notice of said Labor Code violations to Defendant via certified mail pursuant to
18 Labor Code § 2699.3. As of the date of the filing of this Complaint, the LWDA has not provided
19 written notice regarding whether it intends to investigate the Labor Code violations set forth in
20 Plaintiff's written notice.

21 18. As such, pursuant to Labor Code § 2699(a), Plaintiff seeks recovery of any and all
22 applicable civil penalties for Defendants' violation of Labor Code §§ 226 and 2698 for the time
23 period described above, on behalf of himself and other Aggrieved Employees.

24 **PRAYER FOR RELIEF**

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

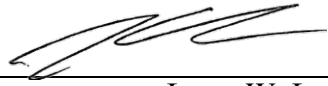
27 1. Upon the First Cause of Action, for civil penalties according to proof pursuant to
28 the PAGA, Labor Code §226.3, and for costs and attorneys' fees;

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

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

4
5 DATED: February 3, 2022

DIVERSITY LAW GROUP, P.C.

6 By:  _____

Larry W. Lee

7 Attorneys for Plaintiff and the Aggrieved
8 Employees