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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BENITO

JUN 13 2022

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BENITO**

LARRY OTIS, as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

DELTA ASSOCIATED
INVESTIGATIONS, INC., a Florida
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: **CU-22-00111**

**PAGA REPRESENTATIVE ACTION
COMPLAINT FOR:**

**(1) VIOLATION OF CAL. LABOR CODE §
2698, ET SEQ.**

DEMAND OVER \$25,000.00

1 Plaintiff Larry Otis (“Plaintiff”) hereby submits this Private Attorneys General Act
2 (“PAGA”) Representative Action Complaint (“Complaint”) against Defendant Delta Associated
3 Investigations, Inc. and DOES 1 through 50 (collectively, “Defendants”), on behalf of himself
4 and other aggrieved employees of Defendants, for penalties for failure to pay wages in a timely
5 manner, in violation of the California Labor Code, as follows:

6 **INTRODUCTION**

7 1. This Complaint is within the Court’s jurisdiction under California Labor Code §§
8 204 and 2698, *et seq.* and the applicable Wage Orders of the California Industrial Welfare
9 Commission (“IWC”).

10 2. This Complaint challenges systemic illegal employment practices resulting in
11 violations of the California Labor Code against Plaintiff and against other individuals who
12 worked for Defendants.

13 3. Plaintiff is informed and believes, and based thereon alleges, that Defendants,
14 jointly and severally, have acted intentionally and with deliberate indifference and conscious
15 disregard to the rights of all employees by failing to pay wages in a timely manner to Plaintiff
16 and other employees.

17 4. Plaintiff is informed and believes, and based thereon alleges, that Defendants
18 have engaged in, among other things, a system of willful violations of the California Labor Code
19 and the applicable IWC Wage Orders by creating and maintaining policies, practices, and
20 customs that knowingly deny employees the above stated rights and benefits.

21 **JURISDICTION AND VENUE**

22 5. The Court has jurisdiction over the violations of the California Labor Code §§
23 204 and 2698, *et seq.*

24 6. Venue is proper in San Benito County, because Plaintiff worked for Defendant in
25 this County.

26 **PARTIES**

27 7. Plaintiff began his employment with Defendant as a Private Investigator on or
28 about 2017. During his employment with Defendant, Plaintiff worked as an hourly, non-exempt

1 employee.

2 8. Plaintiff was and is the victim of the policies, practices, and customs of
3 Defendants complained of in this action in ways that have deprived him of the rights guaranteed
4 by California Labor Code §§ 204 and 2698, *et seq.*

5 9. Plaintiff is informed and believes, and based thereon alleges, that Defendant was
6 and is a Florida corporation that maintains operations and does business in the State of
7 California. Plaintiff is informed and believes, and based thereon alleges, that Defendant provides
8 private investigative services.

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

12 11. As such, and based upon all the facts and circumstances incident to Defendants'
13 business in California, Defendants are subject to Labor Code §§ 204 and 2698, *et seq.*, and the
14 applicable IWC Wage Orders.

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

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

27 14. Plaintiff is informed and believes and based thereon alleges that at all times
28 material hereto, each of the Defendants named herein was the agent, employee, alter ego and/or

1 joint venturer of, or working in concert with each of the other co-Defendants and was acting
2 within the course and scope of such agency, employment, joint venture, or concerted activity.
3 To the extent said acts, conduct, and omissions were perpetrated by certain Defendants, each of
4 the remaining Defendants confirmed and ratified said acts, conduct, and omissions of the acting
5 Defendants.

6 15. At all times herein mentioned, Defendants, and each of them, were members of,
7 and engaged in, a joint venture, partnership, and common enterprise, and acting within the course
8 and scope of, and in pursuance of, said joint venture, partnership, and common enterprise.
9 At all times herein mentioned, the acts and omissions of various Defendants, and each of them,
10 concurred and contributed to the various acts and omissions of each and all of the other
11 Defendants in proximately causing the injuries and damages as herein alleged. At all times
12 herein mentioned, Defendants, and each of them, ratified each and every act or omission
13 complained of herein. At all times herein mentioned, the Defendants, and each of them, aided
14 and abetted the acts and omissions of each and all of the other Defendants in proximately causing
15 the damages as herein alleged.

16 **FIRST CAUSE OF ACTION**

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

18 **(PRIVATE ATTORNEYS GENERAL ACT)**

19 **(BY PLAINTIFF AND THE AGGRIEVED EMPLOYEES AGAINST ALL**
20 **DEFENDANTS)**

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

23 17. Plaintiff brings this cause of action as a proxy for the State of California and in
24 this capacity, seeks penalties on behalf of all employees who worked for Defendants from
25 January 18, 2021, through the present (“Aggrieved Employees”), for Defendants’ violations of
26 Labor Code § 204, arising from Defendants’ policy and practice of failing to timely pay all
27 earned wages, in violation of Labor Code § 204.

28 18. Pursuant to Labor Code § 204, all earned wages must be paid by the time limits as

1 set forth in Labor Code § 204. At all times relevant herein, Defendants failed in their affirmative
2 obligation to timely pay wages to its employees in violation of Labor Code § 204.

3 19. At all relevant times herein, Defendants had a consistent policy and practice of
4 paying the wages to Plaintiff and Aggrieved Employees beyond the time limits as allowed
5 pursuant to Labor Code § 204. As a matter of policy and practice, Defendants routinely paid
6 Plaintiff and Aggrieved Employees more than ten (10) days after the close of the pay period for
7 which the employee worked. As an example, for the pay period of December 4, 2021, through
8 December 17, 2021, Plaintiff and Aggrieved Employees were not paid wages for said pay period
9 until December 31, 2021, which is over ten (10) days after the close of the pay period.

10 20. Because of Defendants' above-stated Labor Code violations, Plaintiff is an
11 "aggrieved employee" as defined in Labor Code § 2699(a). As such, Plaintiff brings this cause
12 of action on behalf of the State of California for violations committed against all similarly
13 situated Aggrieved Employees of Defendant.

14 21. On or about January 18, 2022, Plaintiff sent written notice to the California Labor
15 & Workforce Development Agency ("LWDA") of Defendants' violations of Labor Code § 204,
16 pursuant to Labor Code § 2698, *et seq.*, the Private Attorney General Act ("PAGA"). In addition
17 to the LWDA, Plaintiff also sent his written notice to Defendants via certified mail according to
18 Labor Code § 2699.3.

19 22. As of the date of the filing of this Complaint, the LWDA has yet to provide notice
20 to Plaintiff as to whether it intends to investigate the Labor Code violations provided for in
21 Plaintiff's written notice.

22 23. Plaintiff has therefore complied with all notice and exhaustion requirements
23 pursuant to PAGA.

24 24. As such, pursuant to Labor Code § 2699(a), Plaintiff and the Aggrieved
25 Employees seek recovery of any and all applicable civil penalties on behalf of the State of
26 California for Defendants' violations of Labor Code § 204.

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1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff prays for judgment for himself and all aggrieved employees
3 against Defendants, jointly and severally, as follows:

4 1. Upon the First Cause of Action, for the full amount of civil penalties pursuant to
5 the Labor Code §§ 204 and 2698, *et seq.*, and for costs and attorneys' fees; and

6 2. For such other and further relief the Court may deem just and proper.
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8 DATED: June 13, 2022

DIVERSITY LAW GROUP, P.C.

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10 By: 

Larry W. Lee
Mai Tulyathan
Max Gavron

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12 Attorneys for Plaintiff and the Aggrieved
13 Employees
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