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14 **BY F** **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **FOR THE COUNTY OF SAN JOAQUIN**

16 CHRISTINA TORREZ, as an individual
17 and on behalf of all others similarly
18 situated,

19 Plaintiff,

20 vs.

21 HEALTHCARE STAFFING
22 PROFESSIONALS, INC., a California
23 corporation; and DOES 1 through 50,
24 inclusive,

24 Defendants.

Case No.:

STK-CV

WOF-2022-2077

**REPRESENTATIVE ACTION COMPLAINT
FOR DAMAGES FOR:**

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

DEMAND OVER \$25,000.00

1 Plaintiff Christina Torrez (“Plaintiff”) hereby submits this Representative Action
2 Complaint (“Complaint”) against Defendant Healthcare Staffing Professionals, Inc., and Does 1
3 through 50 (hereinafter collectively referred to as “Defendants”) on behalf of herself and other
4 aggrieved current and former exempt employees of Defendant for penalties for violation of the
5 California Labor Code, including without limitation, failure to pay earned wages in a timely
6 manner, as follows:

7 **INTRODUCTION**

8 1. This representative action is within the Court’s jurisdiction under California
9 Labor Code sections 204 and 2698 *et seq.*

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

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

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

20 **JURISDICTION AND VENUE**

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

23 6. Venue is proper in San Joaquin County because Defendants operate and maintain
24 operations in San Joaquin County, and Plaintiff was employed by Defendants in San Joaquin
25 County.

26 **PARTIES**

27 7. Plaintiff was employed by Defendant as a Nurse Assistant from in or around
28 August 2021 to on or about February 3, 2021. Throughout Plaintiff’s employment with

1 Defendant, she was an hourly, non-exempt employee.

2 8. Plaintiff is informed and believes and based thereon alleges that Healthcare
3 Staffing Professionals, Inc. was and is a California corporation that does business in California,
4 including in San Joaquin County.

5 9. Plaintiff is informed and believes and based thereon alleges that at all times herein
6 mentioned Defendant and Does 1 through 50 are and were business entities, individuals, and
7 partnerships, licensed to do business and actually doing business in the State of California. As
8 such, and based upon all the facts and circumstances incident to Defendants' business,
9 Defendants are subject to California Labor Code sections 204 and 2698 *et seq.*

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

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

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

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

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

11 **FIRST CAUSE OF ACTION**

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

13 **(BY PLAINTIFF, ON BEHALF OF THE STATE AND THE AGGRIEVED EMPLOYEES**
14 **AGAINST ALL DEFENDANTS)**

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

17 16. Plaintiff brings this cause of action as a proxy for the State of California and in
18 this capacity, seeks penalties on behalf of all current and former employees who worked for
19 Defendant in the State of California from December 29, 2020, through the present (“Aggrieved
20 Employees”), for Defendant’s violations of Labor Code section 204.

21 17. As a pattern and practice, Defendant failed to pay earned wages to Plaintiff and
22 Aggrieved Employees in a timely manner. More specifically, wages were paid more than seven
23 days after the close of the payroll period, in violation of Labor Code section 204. For example,
24 for the pay period of January 1, 2021 through January 15, 2021, the wages earned during such
25 pay period were not paid until January 29, 2021, which is more than 10 days after the end of the
26 pay period

27 18. On or about December 29, 2021, Plaintiff sent written notice to the California
28 Labor & Workforce Development Agency (“LWDA”) of Defendant’s violation of Labor Code

1 section 204, pursuant to Labor Code section 2698, *et seq.*, the Private Attorney General Act
2 (“PAGA”). To date, the LWDA has not responded to Plaintiff’s written notice.

3 19. As such, pursuant to Labor Code section 2699(a), Plaintiff seeks recovery of any
4 and all applicable civil penalties for Defendant’s violation of Labor Code section 204, for the
5 time period described above, on behalf of herself and other Aggrieved Employees.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff prays for judgment for herself and all others on whose behalf
8 this suit is brought against Defendants, jointly and severally, as follows:

9 1. Upon the First Cause of Action, for civil penalties according to proof pursuant to
10 Labor Code section 2698, *et seq.*, and for costs and attorneys’ fees;

11 2. For attorneys’ fees and costs as provided by California Labor Code sections 204
12 and 2699, and Code of Civil Procedure section 1021.5; and

13 3. For such other and further relief the Court may deem just and proper.
14

15 DATED: March 18, 2022

DIVERSITY LAW GROUP, P.C.

16
17 By: 

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Kristen M. Agnew

Nicholas Rosenthal

Attorneys for Plaintiff and the Aggrieved
Employees
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