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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA**

22CV396904

ALICIA FERRELL, as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

CORESITE, L.L.C., a Delaware limited
liability company; and DOES 1 through 50,
inclusive,

Defendants.

Case No.:

**REPRESENTATIVE PAGA ACTION
COMPLAINT FOR:**

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

DEMAND OVER \$25,000.00

1 Plaintiff Alicia Ferrell (“Plaintiff”) hereby submits this Representative PAGA Action
2 Complaint (“Complaint”) against Defendant CoreSite, L.L.C. (“Defendant”) and Does 1 through
3 50 (collectively, “Defendants”) on behalf of herself and other aggrieved current and former
4 employees of Defendants, for penalties pursuant to the Private Attorneys General Act (“PAGA”)
5 for Defendants’ violations of the California Labor Code, as follows:

6 **INTRODUCTION**

7 1. This representative action is within the Court’s jurisdiction under California
8 Labor Code §§ 226 and 2698, *et seq.*

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

11 3. Plaintiff is informed and believes, and based thereon alleges, that Defendants,
12 jointly and severally, have acted intentionally and with deliberate indifference and conscious
13 disregard to the rights of all employees by failing to provide complete and accurate itemized
14 wage statements to Plaintiff and other employees of Defendants.

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

19 **JURISDICTION AND VENUE**

20 5. The Court has jurisdiction over the violations of California Labor Code §§ 226
21 and 2698, *et seq.*

22 6. Venue is proper because Defendants do business in Santa Clara County and
23 Plaintiff worked for Defendants in Santa Clara County, specifically in Santa Clara, California.

24 **PARTIES**

25 7. Plaintiff is a current employee of Defendant. Plaintiff began her employment
26 with Defendant as a Data Center Technician on or about November 13, 2019. Throughout her
27 employment with Defendant, Plaintiff was employed as an hourly, non-exempt employee.

28 8. Plaintiff was and is the victim of the policies, practices, and customs of

Defendants complained of in this action in ways that have deprived her of the rights guaranteed by California Labor Code §§ 226 and 2698, *et seq.*

9. Plaintiff is informed and believes, and based thereon alleges, that Defendant was and is a Delaware limited liability company, that operates data center facilities and provides data center investment services. Plaintiff is informed and believes, and based thereon alleges, that Defendant operates and maintains business locations and facilities across the State of California, including several facilities in Santa Clara County.

10. Plaintiff is informed and believes and thereon alleges that at all times herein mentioned Defendant and Does 1 through 50, are and were corporations, business entities, individuals, and partnerships, licensed to do business and actually doing business in the State of California. As such, and based upon all the facts and circumstances incident to Defendants' business, Defendants are subject to California Labor Code § 226.

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

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

13. Plaintiff is informed and believes, and based thereon alleges, that at all times material hereto, each of the Defendants named herein was the agent, employee, alter ego, and/or joint venturer of, or working in concert with each of the other co-Defendants and was acting

1 within the course and scope of such agency, employment, joint venture, or concerted activity.

2 To the extent said acts, conduct, and omissions were perpetrated by certain Defendants, each of
3 the remaining Defendants confirmed and ratified said acts, conduct, and omissions of the acting
4 Defendants.

5 14. At all times herein mentioned, Defendants, and each of them, were members of,
6 and engaged in, a joint venture, partnership and common enterprise, and acting within the course
7 and scope of, and in pursuance of, said joint venture, partnership and common enterprise.

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

15 **FIRST CAUSE OF ACTION**

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

17 **(PRIVATE ATTORNEYS GENERAL ACT)**

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

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

22 17. Plaintiff brings this cause of action for violation of the PAGA as a proxy for the
23 State of California, and in this capacity, seeks penalties on behalf of all similarly situated
24 Aggrieved Employees of Defendants from February 11, 2021, through the present, for
25 Defendants' violations of Labor Code § 226(a).

26 18. More specifically, Labor Code § 226(a) requires employers to provide itemized
27 wage statements to its employees that identify accurate information, including without limitation,
28 all applicable hourly rates in effect during the pay period and the corresponding number of hours

1 worked at each hourly rate by the employee. Here, Defendants failed in their affirmative
2 obligation to provide accurate itemized wage statements to Plaintiff and the Aggrieved
3 Employees whenever overtime wages were paid, in violation of Labor Code § 226(a).

4 19. In this regard, whenever Plaintiff and the Aggrieved Employees worked overtime
5 and were paid overtime wages, Defendants failed to provide accurate itemized wage statements
6 to Plaintiff and the Aggrieved Employees. Specifically, Defendants failed to identify the
7 applicable hourly rate of pay for overtime wages on the corresponding wage statements in
8 violation of Labor Code § 226(a). Instead, the wage statements issued to Plaintiff and the
9 Aggrieved Employees only showed the base hourly rate of pay. This policy and practice is a
10 direct violation of Labor Code § 226(a)(9).

11 20. On or about February 11, 2022, Plaintiff sent written notice to the California
12 Labor & Workforce Development Agency (“LWDA”) of Defendants’ violations of Labor Code
13 § 226 pursuant to the PAGA. Plaintiff also provided notice of said Labor Code violations to
14 Defendant via certified mail pursuant to the PAGA.

15 21. As of the date of the filing of this Complaint, the LWDA has not responded nor
16 informed Plaintiff that it intends to investigate the Labor Code violations provided for in the
17 written notice. As such, pursuant to Labor Code § 2699(a), Plaintiff and the Aggrieved
18 Employees may seek recovery of any and all applicable civil penalties on behalf of the State of
19 California and Aggrieved Employees for Defendants’ violations of Labor Code § 226.

20 **PRAYER FOR RELIEF**

21 WHEREFORE, Plaintiff prays for judgment for herself and all aggrieved current and
22 former employees against Defendants, jointly and severally, as follows:

23 1. Upon the First Cause of Action, for the full amount of penalties pursuant to
24 California Labor Code §§ 226.3 and 2698 *et seq.*, and for costs and attorneys’ fees; and

25 2. For such other and further relief that the Court may deem just and proper.

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2 DATED: April 14, 2022

DIVERSITY LAW GROUP, P.C.

3
4 By: 

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