

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT: GREENS OPERATIONS, INC., a California
(AVISO AL DEMANDADO): corporation, GMPM HOSPITALITY, LLC, a
California limited liability company, and DOES 1 through 10, inclusive

YOU ARE BEING SUED BY PLAINTIFF: MARGARITA GARCIA, on behalf of
(LO ESTÁ DEMANDANDO EL DEMANDANTE): herself and all "aggrieved
employees" pursuant to Labor Code § 2698 et seq.

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):
Superior Court of California, County of Riverside
265 N. Broadway
Blythe, California 92225

CASE NUMBER:
(Número del Caso):

CVBL2200087

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: Alex P. Katofsky, Esq. #202754
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

GAINES & GAINES

4550 E. Thousand Oaks Blvd., Suite 100 Westlake Village, CA 91362

818-703-8985

DATE:
(Fecha) 6/14/2022

Clerk, by _____, Deputy
(Secretario) _____ (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010)).
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]



GC68150(g)

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☐ by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Alex P. Katofsky, Esq.

SBN: 202754

GAINES & GAINES

4550 E. Thousand Oaks Blvd., Suite 100 Westlake Village, CA 91362

TELEPHONE NO.: 818-703-8985

FAX NO. (Optional): 818-703-8984

E-MAIL ADDRESS: alex@gaineslawfirm.com

Electronically FILED by Superior Court of California, County of Riverside on 06/14/2022 11:11 AM

ATTORNEY FOR (Name): Plaintiff, Margarita Garcia

Case Number CVBL2200087 0000024330913 - W. Samuel Hamrick Jr., Executive Officer/Clerk of the Court By Kym Miller, Clerk

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

STREET ADDRESS: 265 N. Broadway

MAILING ADDRESS: 265 N. Broadway

CITY AND ZIP CODE: Blythe, 92225

BRANCH NAME: Blythe

CASE NAME: Garcia v. Greens Operations, Inc., et al.

CIVIL CASE COVER SHEET



Unlimited

(Amount

demanded

exceeds \$25,000)



Limited

(Amount

demanded is

\$25,000 or less)

Complex Case Designation



Counter



Joinder

Filed with first appearance by defendant
(Cal. Rules of Court, rule 3.402)

CASE NUMBER:

CVBL2200087

JUDGE:

DEPT.:

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort



Auto (22)



Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort



Asbestos (04)



Product liability (24)



Medical malpractice (45)



Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort



Business tort/unfair business practice (07)



Civil rights (08)



Defamation (13)



Fraud (16)



Intellectual property (19)



Professional negligence (25)



Other non-PI/PD/WD tort (35)

Employment



Wrongful termination (36)



Other employment (15)

Contract



Breach of contract/warranty (06)



Rule 3.740 collections (09)



Other collections (09)



Insurance coverage (18)



Other contract (37)

Real Property



Eminent domain/Inverse condemnation (14)



Wrongful eviction (33)



Other real property (26)

Unlawful Detainer



Commercial (31)



Residential (32)



Drugs (38)

Judicial Review



Asset forfeiture (05)



Petition re: arbitration award (11)



Writ of mandate (02)



Other judicial review (39)

Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400–3.403)

Antitrust/Trade regulation (03)



Construction defect (10)



Mass tort (40)



Securities litigation (28)



Environmental/Toxic tort (30)

Insurance coverage claims arising from the
above listed provisionally complex case
types (41)

Enforcement of Judgment



Enforcement of judgment (20)

Miscellaneous Civil Complaint



RICO (27)



Other complaint (not specified above) (42)

Miscellaneous Civil Petition



Partnership and corporate governance (21)



Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

Large number of separately represented parties



Large number of witnesses

Extensive motion practice raising difficult or novel
issues that will be time-consuming to resolveCoordination with related actions pending in one or more
courts in other counties, states, or countries, or in a federal
court

Substantial amount of documentary evidence



Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): One (1)

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 6/13/22

Alex P. Katofsky, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)–Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice–Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach–Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case–Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ–Administrative Mandamus
Writ–Mandamus on Limited Court Case Matter
Writ–Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal–Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

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Facsimile: (818) 703-8984

Attorneys for Plaintiff Margarita Garcia, on behalf of herself and all “aggrieved employees” pursuant to Labor Code § 2698 *et seq.*

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF RIVERSIDE

MARGARITA GARCIA, on behalf of herself
and all “aggrieved employees” pursuant to
Labor Code § 2698 *et seq.*,

Plaintiff,

v.

GREENS OPERATIONS, INC., a California
corporation, GMPM HOSPITALITY, LLC, a
California limited liability company, and
DOES 1 through 10, inclusive,

Defendants.

CASE NO: **CVBL2200087**

**REPRESENTATIVE ACTION
COMPLAINT FOR PENALTIES
PURSUANT TO LABOR CODE § 2699(f)
FOR VIOLATIONS OF LABOR CODE
§§ 201-202, 226(a), 226.7, 510, 512, 1174,
1174.5, 1194, AND 1198 AND PURSUANT
TO LABOR CODE § 2699(a) FOR
VIOLATIONS OF LABOR CODE §§ 226.3
AND 558**

1 Plaintiff MARGARITA GARCIA (“Plaintiff”), on behalf of herself and others as an
2 “aggrieved employee” under the Labor Code Private Attorneys General Act of 2004, complains of
3 GREENS OPERATIONS, INC., a California corporation, and GMPM HOSPITALITY, LLC, a
4 California limited liability company, and/or any subsidiaries or affiliated companies (hereinafter
5 referred to as “Defendants”), as follows:

6 **I.**

7 **INTRODUCTION AND FACTUAL BACKGROUND**

8 1. This is a Representative Action, pursuant to Labor Code § 2698 *et seq.*, on behalf of
9 Plaintiff and other non-exempt California employees who currently work or formerly worked for
10 Defendants (“Aggrieved Employees”).

11 2. For at least one (1) year prior to the filing of this action and at least one (1) year prior
12 to the date Plaintiff began the process of exhausting the administrative requirements, pursuant to
13 Labor Code § 2698 *et seq.*, and continuing to the present (the “liability period”), Defendants have had
14 consistent policies of:

15 a. Failing to pay Plaintiff and other Aggrieved Employees all minimum wages
16 and overtime wages due, in violation of Labor Code §§ 510, 558, and 1194 and IWC Wage Order 5-
17 2001. Plaintiff and other Aggrieved Employees frequently work well over eight hours per day every
18 workday, and often on weekends and holidays. There are overtime hours that are worked but not paid
19 for at all. Defendants also fail to properly compute commission wages and other non-base hourly
20 wages earned by Plaintiff and other Aggrieved Employees into their regular rate of pay, in violation
21 of Labor Code §§ 226.7, 510, 512, 558, and 1194. Defendants fail to properly blend commission
22 wages and other non-base hourly wages into the regular rate of pay and instead pay Plaintiff and other
23 Aggrieved Employees overtime at the base hourly rate of pay. This violates Labor Code §§ 226.7,
24 510, 512, 558, and 1194;

25 b. Failing to pay premium wages to Plaintiff and Aggrieved Employees who are
26 denied rest periods, in violation of Labor Code § 226.7 and IWC Wage Order No. 5-2001. Plaintiff
27 and Aggrieved Employees are completely denied the ability to take a duty-free 10-minute rest period
28 for every four (4) hours of work or major fraction thereof. In addition, Plaintiff and Aggrieved

1 Employees are not paid premium wages of one hour's pay for each missed rest period. Plaintiff is
2 simply denied and not authorized to take her legally entitled rest periods and is never paid premium
3 wages for missed rest periods. This violates Labor Code § 226.7 and IWC Wage Order No. 5-2001
4 and is alleged on behalf of all Aggrieved Employees;

5 c. Failing to pay premium wages to Plaintiff and other Aggrieved Employees who
6 are denied meal periods, in violation of Labor Code §§ 226.7, 512, 558 and IWC Wage Order 5-2001.
7 Plaintiff and Aggrieved Employees are denied, and not authorized to take, a timely, uninterrupted,
8 30-minute meal period for every shift worked that exceeds five hours in duration, or a second timely,
9 uninterrupted, 30-minute meal period for every shift worked that exceeds ten hours in duration, but
10 are not paid premium wages of one hour's pay for each missed first or second meal period. Defendants
11 also fail to maintain records indicating the start and end time of each meal period, if one ever occurs.
12 This violates Labor Code §§ 226.7, 512, 558, 1174, 1174.5, and 1198 and IWC Wage Order 5-2001;

13 d. Failing to provide Plaintiff and other Aggrieved Employees with wage
14 statements that fully and accurately itemized the requirements set forth in Labor Code §§ 226(a) and
15 226.3. Plaintiff and other Aggrieved Employees are not paid all minimum and overtime wages and
16 meal and rest period premiums due, as stated above. As such, the wage statements provided by
17 Defendants fail to accurately state all gross wages earned, in violation of Labor Code §§ 226(a)(1)
18 and 226.3, total hours worked, in violation of Labor Code §§ 226(a)(2) and 226.3, net wages earned,
19 in violation of Labor Code §§ 226(a)(5) and 226.3, and all applicable hourly rates in effect during the
20 pay period and the corresponding number of hours worked, in violation of Labor Code §§ 226(a)(9)
21 and 226.3;

22 e. Failing to retain and produce records in accordance with Labor Code §§ 1174
23 and 1174.5. Plaintiff requested her employee file and Defendants refused to produce it. This violates
24 Labor Code §§ 1174 and 1174.5; and

25 f. Failing to pay certain Aggrieved Employees all wages due at the separation of
26 their employment based on the time frames required by Labor Code §§ 201 and 202. As stated above,
27 Aggrieved Employees were not paid all wages due during the course of their employment and, as a
28 result of this failure, they were not timely paid all wages due at the separation of their employment.

1 This violates Labor Code §§ 201-202 and is alleged on behalf of Aggrieved Employees no longer
2 employed by Defendants.

3 3. Plaintiff, on behalf of herself and all Aggrieved Employees pursuant to Labor Code §
4 2698 *et seq.*, seeks civil penalties for Defendants' violations of the California Labor Code.

5 4. Venue is proper in this judicial district, pursuant to Code of Civil Procedure § 395.
6 The Labor Code violations alleged against Defendants herein arose in Riverside County, California.

7 **II.**

8 **PARTIES**

9 **A. Plaintiff**

10 5. Plaintiff MARGARITA GARCIA has been employed by Defendants as a non-exempt
11 employee in Riverside County, California since March 2018 through the present.

12 **B. Defendant**

13 6. Defendant GREENS OPERATIONS, INC. is a California corporation that employs
14 Plaintiff and Aggrieved Employees throughout the State of California, including Riverside County,
15 California.

16 7. Defendant GMPM HOSPITALITY, LLC is a California limited liability company that
17 employs Plaintiff and Aggrieved Employees throughout the State of California, including Riverside
18 County, California.

19 8. The true names and capacities, whether individual, corporate, associate, or otherwise,
20 of Defendants sued herein as DOES 1 to 10, inclusive, are currently unknown to Plaintiff, who
21 therefore sues Defendants by such fictitious names under Code of Civil Procedure § 474. Plaintiff is
22 informed and believes, and based thereon alleges, that each of the Defendants designated herein as a
23 DOE is legally responsible in some manner for the unlawful acts referred to herein. Plaintiff will
24 seek leave of court to amend this Complaint to reflect the true names and capacities of the Defendants
25 designated hereinafter as DOES when such identities become known.

26 9. Plaintiff is informed and believes, and based thereon alleges, that each Defendant acted
27 in all respects pertinent to this action as the agent of the other Defendant, carried out a joint scheme,
28

business plan or policy in all respects pertinent hereto, and the acts of each Defendant is legally attributable to the other Defendants.

10. The Defendants named herein as DOE 1 through DOE 10 are and were persons acting on behalf of, or acting jointly with, Defendants, who violated, or caused to be violated, one or more provisions of the California Labor Code as alleged herein.

III.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

**PLAINTIFF AND ALL AGGRIEVED EMPLOYEES AGAINST ALL DEFENDANTS
CIVIL PENALTIES PURSUANT TO LABOR CODE § 2699(f) FOR VIOLATIONS OF
LABOR CODE §§ 201-202, 226(a), 226.7, 510, 512, 1174, 1174.5, 1194 AND 1198
AND PURSUANT TO LABOR CODE § 2699(a) FOR VIOLATIONS OF LABOR CODE
§§ 226.3 AND 558**

11. Plaintiff incorporates paragraphs 1 through 9 of this Complaint as though fully set forth herein.

12. As a result of the acts alleged above, including the Labor Code violations set forth in paragraph 2 above, Plaintiff seeks civil penalties pursuant to Labor Code §§ 2698 *et seq.*

13. For each such violation, Plaintiff and all other Aggrieved Employees are entitled to civil penalties subject to the following formula:

- a. Pursuant to Labor Code § 2699(f), \$100 for each initial violation and \$200 for each subsequent violation of Labor Code §§ 201-202, 226(a), 226.7, 510, 512, 1174, 1174.5, 1194, and 1198; and
- b. Pursuant to Labor Code § 2699(a), the civil penalties as authorized by Labor Code §§ 226.3 and 558.

14. Civil penalties recovered will be allocated 75% to the Labor and Workforce Development Agency, and 25% to the affected employees.

15. On March 28, 2022 and March 29, 2022, Plaintiff sent letters, by online submission to the LWDA and by certified mail, return receipt requested, to Defendants setting forth the facts and

1 theories of the violations alleged against Defendants, as prescribed by Labor Code § 2698 *et seq.*
2 Pursuant to Labor Code § 2699.3(a)(2)(A), no notice was received by Plaintiff from the LWDA within
3 sixty-five (65) calendar days of March 28, 2022 or March 29, 2022. Plaintiff may therefore commence
4 this action to seek civil penalties pursuant to Labor Code § 2698 *et seq.*

5 Wherefore, Plaintiff and the Aggrieved Employees she seeks to represent request relief as
6 described below.

7 **IV.**

8 **RELIEF REQUESTED**

9 WHEREFORE, Plaintiff prays for the following relief:

- 10 1. For civil penalties pursuant to Labor Code § 2698 *et seq.* for Plaintiff and all other
11 Aggrieved Employees;
- 12 2. An award providing for payment of costs of suit pursuant to Labor Code § 2699(g)(1)
13 and other applicable law;
- 14 3. An award of attorneys' fees pursuant to Labor Code § 2699(g)(1) and other applicable
15 law; and
- 16 4. Such other and further relief as this Court may deem just and proper.

17 Dated: June 13, 2022

Respectfully submitted,

18 GAINES & GAINES
19 A Professional Law Corporation

20
21 By: Evan S. Gaines
22 DANIEL F. GAINES
23 EVAN S. GAINES
24 Attorneys for Plaintiff
25
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

Blythe Courthouse
265 N. Broadway, Blythe, CA 92225

Case Number: CVBL2200087

Case Name: MARGARITA GARCIA, ON BEHALF OF HERSELF AND ALL AGGRIEVED EMPLOYEES
PURSUANT TO LABOR CODE 2698 ET SEQ. vs GREENS OPERATIONS, INC., A
CALIFORNIA CORPORATION

NOTICE OF DEPARTMENT ASSIGNMENT

The above entitled case is assigned to the Honorable Russell L. Moore in Department 260 for All Purposes.

Any disqualification pursuant to CCP section 170.6 shall be filed in accordance with that section.

The court follows California Rules of Court, Rule 3.1308(a)(1) for tentative rulings (see Riverside Superior Court Local Rule 3316). Tentative Rulings for each law and motion matter are posted on the internet by 3:00 p.m. on the court day immediately before the hearing at <http://riverside.courts.ca.gov/tentativerulings.shtml>. If you do not have internet access, you may obtain the tentative ruling by telephone at (760) 904-5722.

To request oral argument, you must (1) notify the judicial secretary at (760) 904-5722 and (2) inform all other parties, no later than 4:30 p.m. the court day before the hearing. If no request for oral argument is made by 4:30 p.m., the tentative ruling will become the final ruling on the matter effective the date of the hearing.

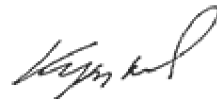
The filing party shall serve a copy of this notice on all parties.

	Interpreter services are available upon request. If you need an interpreter, please complete and submit the online Interpreter Request Form (https://riverside.courts.ca.gov/Divisions/InterpreterInfo/ri-in007.pdf) or contact the clerk's office and verbally request an interpreter. All requests must be made in advance with as much notice as possible, and prior to the hearing date in order to secure an interpreter.
	Assistive listening systems, computer-assisted real time captioning, or sign language interpreter services are available upon request if at least 5 days notice is provided. Contact the Office of the ADA Coordinator by calling (951) 777-3023 or TDD (951) 777-3769 between 8:00 am and 4:30 pm or by emailing ADA@riverside.courts.ca.gov to request an accommodation. A <i>Request for Accommodations by Persons With Disabilities and Order</i> (form MC-410) must be submitted when requesting an accommodation. (Civil Code section 54.8.)

Dated: 06/16/2022

W. SAMUEL HAMRICK JR.,
Court Executive Officer/Clerk of Court

by:



K. Miller, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

Blythe Courthouse
265 N. Broadway, Blythe, CA 92225

Case Number: CVBL2200087

Case Name: MARGARITA GARCIA, ON BEHALF OF HERSELF AND ALL AGGRIEVED EMPLOYEES
PURSUANT TO LABOR CODE 2698 ET SEQ. vs GREENS OPERATIONS, INC., A
CALIFORNIA CORPORATION

GMPM HOSPITALITY, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

NOTICE OF CASE MANAGEMENT CONFERENCE

The Case Management Conference is scheduled as follows:

Hearing Date	Hearing Time	Department
12/16/2022	10:30 AM	Department 260
Location of Hearing: 265 N. Broadway, Blythe, CA 92225		

No later than 15 calendar days before the date set for the case management conference or review, each party must file a case management statement and serve it on all other parties in the case. CRC, Rule 3.725.

The plaintiff/cross-complainant shall serve a copy of this notice on all defendants/cross-defendants who are named or added to the complaint and file proof of service.

Any disqualification pursuant to CCP Section 170.6 shall be filed in accordance with that section.

Remote Appearance at Hearing: The court **strongly encourages** parties and counsel to appear remotely for non-evidentiary hearings in civil cases. Pursuant to local rule 3132, persons intending to appear remotely shall notify all opposing parties of their intention to appear remotely before the hearing. Notice may be given informally, including by telephone, email, or text message. To appear remotely, on the day of the hearing, either use your computer, mobile device, or dial (833) 568-8864 (toll free) or (669) 254-5252, when prompted enter:

Meeting ID: 160-527-1198 #
Access Code: Press the # key (no number after the #)

Please MUTE your phone until your case is called, and it is your turn to speak. It is important to note that you must call twenty (20) minutes prior to the scheduled hearing time to check in or there may be a delay in your case being heard.

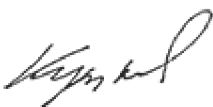
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CERTIFICATE OF MAILING

I certify that I am currently employed by the Superior Court of California, County of Riverside, and that I am not a party to this action or proceeding. In my capacity, I am familiar with the practices and procedures used in connection with the mailing of correspondence. Such correspondence is deposited in the outgoing mail of the Superior Court. Outgoing mail is delivered to and mailed by the United States Postal Service, postage prepaid, the same day in the ordinary course of business. I certify that I served a copy of the Notice of Case Management Conference on this date, by depositing said copy as stated above.

Dated: 06/16/2022

W. SAMUEL HAMRICK JR.,
Court Executive Officer/Clerk of Court

by: 

K. Miller, Deputy Clerk

Notice has been printed for the following Firm/Attorneys or Parties: CVBL2200087

KATOFSKY, ALEX
4550 EAST THOUSAND OAKS BOULEVARD
SUITE 100
Westlake Village, CA 91362

MARGARITA GARCIA, ON BEHALF OF
HERSELF AND ALL AGGRIEVED
EMPLOYEES PURSUANT TO LABOR CODE
2698 ET SEQ.

GREENS OPERATIONS, INC., A CALIFORNIA
CORPORATION

GMPPM HOSPITALITY, LLC, A CALIFORNIA
LIMITED LIABILITY COMPANY