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County of Alameda

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and on behalf of all others similarly situated

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ALAMEDA

TIFFANY LAPPO, individually and on behalf
of all others similarly situated,

Plaintiff

vs.

WORLD PAC INC., a California corporation;
and DOES 1 through 50, inclusive,

Defendants.

Case No.: 22CV010157

CLASS ACTION COMPLAINT:

- 1. Violation of California Labor Code §2802 [Unreimbursed Business-Related Expenses];**
- 2. Violation of California Business & Professions Code §§ 17200, et seq. (Unlawful Business Practices);**

DEMAND FOR JURY TRIAL

Plaintiff TIFFANY LAPPO (“Plaintiff” or “Ms. Lappo”), individually, and on
behalf of all other similarly situated and/or aggrieved employees of Defendant
WORLD PAC, INC., alleges as follows.

INTRODUCTION

1
2 1. This is a class action brought against Defendant WORLD PAC, INC., a
3 Delaware corporation which is organized, existing, and doing business in California under
4 and by virtue of the laws of the State of California (Secretary of State entity number
5 C1887131), and those fictitiously named defendants whose identity is presently unknown
6 to Plaintiff and which are identified herein as DOES 1-50 (collectively “Defendants” or
7 “Worldpac”). Plaintiff brings this action individually and on behalf of all other similarly
8 situated and aggrieved employees who worked for Defendants in California.

9 2. Plaintiff, on behalf of herself and all Class Members, brings this action for
10 violations of California Labor Code §2802, based on Defendants’ failure and/or refusal to
11 reimburse Plaintiff and all similarly situated and aggrieved employees for necessary
12 business-related expenses including internet access and service which they were required
13 to have and maintain during their employment when working from home, as well as other
14 business-related expenses including costs of printers, printer ink, and paper. Plaintiffs
15 seek compensation for unreimbursed business-related expenses, applicable penalties,
16 equitable relief, interest, and reasonable attorneys’ fees and costs.

17 3. Plaintiff, individually and on behalf of all proposed Class Members, brings
18 this action pursuant to Business and Professions Code §§17200-17208, for Defendants’
19 unlawful business practices as alleged, and seek injunctive relief, restitution, and
20 disgorgement of all benefits obtained by Defendants by failing to reimburse Plaintiff and
21 all other similarly situated and aggrieved employees for business-related expenses as
22 herein alleged.

JURISDICTION AND VENUE

23 4. This class and state enforcement action is brought pursuant to California
24 Code of Civil Procedure section 382 and California Labor Code sections 2698 *et seq.*
25 (“PAGA”) to recover monetary damages, civil penalties, and any other available relief on
26 behalf of Plaintiffs, the State of California (PAGA penalties), and other current and former
27 employees who worked for Defendants in California and against whom one or more
28 violations of any provision of the Labor Code or any provision regulating hours and days

1 of work in the applicable Industrial Welfare Commission (“IWC”) Wage Order were
2 committed (“aggrieved employees”), as set forth in this Complaint.

3 5. The monetary damages, penalties, restitution, and attorney fees and costs
4 sought by Plaintiffs are within the unlimited jurisdiction limits of the California Superior
5 Court.

6 6. This Court has jurisdiction over all Defendants because Defendants have
7 their principal place of business in California, sufficient minimum contacts in California,
8 and otherwise intentionally avail themselves of the California market so as to render the
9 exercise of jurisdiction over them by the California courts consistent with traditional
10 notions of fair play and substantial justice. There is no basis for federal diversity
11 jurisdiction in this action because there is not complete diversity of the parties, and this
12 case falls within the statutory exceptions to “minimal diversity” jurisdiction under the
13 Class Action Fairness Act, 28 U.S.C. § 1332(d)(4). Upon information and belief, two-
14 thirds or more of the class members and Defendants are citizens of California and/or (a)
15 two-thirds of the class members and Defendants are citizens of California; (b) the alleged
16 wage and hour violations occurred in California; (c) significant relief is being sought
17 against Defendants whose violations of California wage and hour laws form a significant
18 basis for Plaintiffs’ claims; and (d) no other class action has been filed within the past
19 three (3) years on behalf of the same proposed class against Defendants asserting the same
20 or similar factual allegations.

21 7. Venue is proper in this Court because Defendants employ persons in this
22 county, employed Plaintiffs in this county, and thus a substantial portion of the
23 transactions and occurrences related to this action occurred in this county. Cal. Civ. Proc.
24 Code § 395.

25 8. The PAGA representative actions and claims plead in this matter are not
26 subject to removal. 28 U.S.C. sections 1332(a)-(d).

27 **THE PARTIES**

28 9. Plaintiff TIFFANY LAPPO is a resident of Neenach, California which is
located in Los Angeles County near the city of Lancaster. Defendants currently employ

1 Plaintiff as an exempt, salary-paid, full-time remote Sales Representative – Outbound - I.
2 Plaintiff has been employed by Defendants since in or about December 2016.

3 10. Defendant WORLD PAC, INC., was and is a Delaware corporation with its
4 corporate headquarters and principal place of business located at 37137 Hickory Street,
5 Newark, California, in the County of Alameda. At all times hereinafter mentioned
6 Defendant WORLD PAC was an employer whose employees are engaged throughout the
7 State of California.

8 11. Plaintiffs are unaware of the true names or capacities of the Defendants sued
9 herein under the fictitious names DOES 1 through 50 but will seek leave of this Court to
10 amend the complaint and serve such fictitiously named Defendants once their names and
11 capacities become known.

12 12. Plaintiffs are informed and believe, and thereon allege, that DOES 1 through
13 50 are partners, agents, owners, shareholders, managers, and/or employees of
14 WORLD PAC, INC. at all relevant times and are in some way responsible for the actions
15 and conduct of Defendant WORLD PAC as alleged herein.

16 13. Plaintiffs are informed and believe, and thereon allege, that each and all of
17 the acts and omissions alleged herein was performed by, or is attributable to Defendant
18 WORLD PAC and/or DOES 1 through 50, acting as the agent, employee, alter ego and/or
19 joint venturer of and/or working in concert with each of the other co-Defendants and was
20 acting within the course and scope of such agency, employment, joint venture, or
21 concerted activity with legal authority to act on the others' behalf. The acts of any and all
22 Defendants were in accordance with, and represent, the official policy of Defendants.

23 14. At all relevant times, Defendants, and each of them, by and through its
24 managing agents, officers, directors, supervisors, and/or managers ratified each and every
25 act or omission complained of herein. At all relevant times, Defendants and each of them,
26 aided and abetted the acts and omissions of each and all the other Defendants in
27 proximately causing the damages herein alleged.
28

1 15. Plaintiffs are informed and believe, and thereon allege, that each of said
2 Defendants is in some manner intentionally, negligently, and/or otherwise responsible for
3 the acts, omissions, occurrences, and/or transactions alleged herein.

4 **GENERAL ALLEGATIONS**

5 16. Beginning in or around March 2020, at the onset of the COVID-19
6 pandemic, Plaintiff was required by Defendants to work full-time from her home. At all
7 times, Defendants required Plaintiff and all other similarly situated employees to have and
8 maintain reliable internet service and access from their homes because of Plaintiff's job
9 duties and functions. Defendants also monitored throughout the workday when Plaintiff
10 was logged into its remote database and its cloud-based sales, customer service and
11 management program. As a result of Defendants' requirement that Plaintiff and all others
12 similarly situated have and maintain reliable internet from their homes, Plaintiff was
13 required to subscribe to an internet service provider and pay for the service on a monthly
14 basis.

15 17. Plaintiff further alleges as a result of Defendants requiring Plaintiff and all
16 other similarly situated and aggrieved employees to work from home, as a part of their
17 regular duties and responsibilities, Plaintiff and all others similarly situated were required
18 to purchase a printer if they did not already have one so they would be able to print work-
19 related invoices, purchase orders, receipts and other work-related documents as required
20 by Defendants. As a consequence, Plaintiff and all others similarly situated incurred
21 business-related expenses for the purchase of a work-related printer, printer ink, and paper
22 to fulfill the work-related demands of their employer.

23 18. At no time did Defendants reimburse Plaintiff or any other similarly situated
24 or aggrieved employees for these necessary business-related expenses as required by
25 California Labor Code §2802.

26 **CLASS ACTION ALLEGATIONS**

27 1. Plaintiff brings this action individually, as well as on behalf of each and all
28 other persons similarly situated, and thus seek class certification under California Code of
Civil Procedure § 382.

2. All claims alleged herein arise under California law for which Plaintiffs seek relief authorized by California law.

3. Plaintiffs' proposed class consists of and is defined as follows:

All persons who are or were employed by Defendants who incurred business-related expenses that were not reimbursed by Defendant, including internet service, printers, printer ink, and paper.

4. Members of the Class are referred to herein as "class members."

5. Plaintiffs reserve the right to redefine the Class and to add subclasses as appropriate based on further investigation, discovery, and specific theories of liability.

6. There are common questions of law and fact as to all class members that predominate over questions affecting only individual members, including but not limited to the following:

(a) Whether Defendants failed to reimburse Plaintiff and class members for necessary business-related expenses in violation of California Labor Code §2802;

(b) Whether Defendants engaged in unlawful business practices in violation of California Business & Professions Code sections 17200, *et seq.*; and

(c) The appropriate amount of damages, restitution, or monetary penalties resulting from Defendants' violations of California law.

7. There is a well-defined community of interest in the litigation and the class members are readily ascertainable:

(a) Numerosity: The class members are so numerous that joinder of all members would be unfeasible and impractical. The membership of the entire class is unknown to Plaintiff at this time; however, the class is estimated to be greater than several hundred individuals and the identity of such membership is readily ascertainable by inspection of Defendants' employment records.

1 (b) Typicality: Plaintiff has a well-defined community of interest, and
2 Plaintiff's claims (or defenses, if any) are typical of all class members as
3 demonstrated herein.

4 (c) Adequacy: Plaintiff is qualified to, and will, fairly and adequately protect
5 the interests of each class member with whom she has a well-defined
6 community of interest and typicality of claims, as demonstrated herein.
7 Plaintiff acknowledges that they have an obligation to make known to
8 the Court any relationship, conflicts or differences with any class
9 member. Plaintiff's attorneys, the proposed class counsel, are versed in
10 the rules governing class action discovery, certification, and settlement.

11 (d) Superiority: The nature of this action makes the use of class action
12 adjudication superior to other methods. A class action will achieve
13 economies of time, effort, and expense as compared with separate
14 lawsuits, and will avoid inconsistent outcomes because the same issues
15 can be adjudicated in the same manner and at the same time for the entire
16 class.

17 (e) Public Policy Considerations: Employers in the State of California
18 violate employment and labor laws every day. Current employees are
19 often afraid to assert their rights out of fear of direct or indirect retaliation.
20 Former employees are fearful of bringing actions because they believe
21 their former employers might damage their future endeavors through
22 negative references and/or other means. Class actions provide the class
23 members who are not named in the complaint with a type of anonymity
24 that allows for the vindication of their rights while simultaneously
25 protecting their privacy.

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FIRST CAUSE OF ACTION
Violation of California Labor Code §2802
[Unreimbursed Business Expenses]
(Against All Defendants)

8. Plaintiff incorporates by reference and re-allege as if fully stated herein each and every allegation set forth above.

9. California Labor Code §2802 requires that “[a]n employer shall indemnify his or her employee for all necessary expenditures or losses incurred by the employee in direct consequence of the discharge of his or her duties, or of his or her obedience to the directions of the employer, even though unlawful, unless the employee, at the time of obeying the directions, believed them to be unlawful.”

10. Plaintiff alleges for herself and all others similarly situated and aggrieved that she incurred necessary business-related expenses at the direction of her employer, Defendant WORLD PAC, as a direct consequence of the discharge of her/their duties and responsibilities. Plaintiff incurred business-related expenses for internet service, a printer, printer ink and paper.

11. Defendant WORLD PAC has refused and/or failed to reimburse or compensate Plaintiff and all other similarly situated or aggrieved employees for these necessary business-related expenses which should be borne by Defendant as the operator of the business and for whose benefit the expenses were incurred by Plaintiff and all others similarly situated or aggrieved.

12. As a direct and proximate result of Defendants’ and each of their actions as herein alleged, Plaintiff and all others similarly situated and aggrieved have incurred monetary damages in an amount according to proof at trial.

13. As a further direct and proximate result of Defendants’ and each of their actions as alleged, Plaintiff and all others similarly situated and aggrieved are entitled to interest on the unreimbursed expenses at the same rate as judgments in civil actions and said interest shall accrue from the date on which the employee incurred the necessary expenditure or loss pursuant to Cal. Labor Code §2802(b).

1 14. As a further direct and proximate result of Defendants' and each of their
2 actions as alleged, Plaintiff has retained counsel and legal professionals to prosecute this
3 action and is entitled to recover all reasonable costs, including, but not limited to, attorney's
4 fees incurred enforcing the rights granted by this section in an amount according to proof
5 pursuant to Cal. Labor Code §2802(c).

6 **SECOND CAUSE OF ACTION**

7 **Violation of California Business & Professions Code §§ 17200, et seq.**

8 **[Unlawful Business Practice]**

9 **(Against All Defendants)**

10 15. Plaintiff incorporates by reference and re-allege as if fully stated herein each
11 and every allegation set forth above.

12 16. Defendants' failure to reimburse Plaintiff and all other similarly situated or
13 aggrieved employees for necessary business-related expenses as herein alleged, constitutes
14 a violation of California Labor Code §2802 and is therefore an unlawful business practice
15 in violation of Cal. Business & Professions Code §17200.

16 17. Plaintiff has incurred actual harm and losses in that she parted with her
17 money for necessary business-related expenses which have not been reimbursed by
18 Defendants.

19 18. Plaintiff is entitled to restitution of monies which she and all other similarly
20 situated and aggrieved employees parted with by having to pay from their own pockets for
21 internet service and access, printers, printer ink and paper all in an amount according to
22 proof.

23 19. Plaintiff is entitled to disgorgement of the illicit and unlawful monetary gains
24 realized by Defendants realized through their failure and/or refusal to reimburse employees
25 such as Plaintiff for necessary business-related expenses as required by Defendants all in
26 an amount according to proof.

27 20. Plaintiff is similarly entitled to an injunction, specific performance under
28 Business and Professions Code §17202, and other equitable relief against such unlawful
practices in order to prevent future losses to employees such as Plaintiff and all others

1 similarly situated or aggrieved, for which there is no adequate remedy at law, and to avoid
2 a multiplicity of lawsuits. Plaintiff brings this cause individually and as a member of the
3 general public as a representative of all others subject to Defendants' unlawful acts and
4 practices.

5 21. This cause of action is brought as a cumulative remedy and is intended as an
6 alternative remedy for restitution for Plaintiff, and each Plaintiff Class and/or Subclass
7 Member, for up to the four-year period before the filing of this Complaint, and as the
8 primary remedy for the Plaintiff Class and Subclasses during the fourth year before the
9 filing of this Complaint pursuant to Cal. Business & Professions Code §17205.

10 22. The illegal conduct alleged is continuing and there is no indication
11 Defendants will discontinue such activity. Plaintiff alleges if Defendants are not enjoined
12 from the conduct set forth in this Complaint, they will continue to fail to reimburse
13 employees who incur and pay for necessary business-related expenses for such things as
14 internet service and access, printers, printer ink, and paper.

15 23. Defendants' conduct, as alleged herein, has been, and continues to be, unfair,
16 unlawful and harmful to Plaintiff, class members, and to the general public. Plaintiff has
17 suffered injury in fact and has lost money as a result of Defendants' unlawful business
18 practices. Plaintiff seeks to enforce important rights affecting the public interest within the
19 meaning of Code of Civil Procedure section 1021.5 and is therefore entitled to an award of
20 reasonable attorney fees in an amount according to proof.

21 **PRAYER FOR RELIEF**

22 Plaintiff, individually and on behalf of all others similarly situated or aggrieved,
23 prays for relief and judgment against Defendants and each of them as follows:

- 24 1. Determine this action may be maintained as a class action with Plaintiff as
25 Class Representative and Plaintiff's counsel as class counsel;
- 26 2. For monetary damages in an amount according to proof;
- 27 3. For restitution in an amount according to proof;
- 28 4. For applicable penalties in an amount according to proof;

1 5. For attorney fees in an amount according to proof pursuant to Cal. Labor Code
2 §2802, and C.C.P. §1021.5;

3 6. Defendants be found to have engaged in unfair competition in violation of
4 Business and Professions Code § 17200, and thereon enjoined from engaging in further
5 unlawful conduct,

6 7. For prejudgment interest according to proof;

7 8. Such other and additional and/or equitable relief as this court deems fair, just
8 and proper.

9 Dated: April 20, 2022

/s/ Robert A. Waller, Jr.

10 Attorneys for Plaintiff TIFFANY LAPPO,
11 individually and on behalf of all others similarly
12 situated

13 **JURY DEMAND**

14 Plaintiff hereby demands a jury trial of this matter on all claims for which a jury
15 trial is available.

16 Dated: April 20, 2022

/s/ Robert A. Waller, Jr.

17 Attorneys for Plaintiff TIFFANY LAPPO,
18 individually and on behalf of all others similarly
19 situated
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