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Attorneys for Plaintiff and the Class

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

AMIN AHMED, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

CAREDX, INC., a Delaware corporation;
and DOES 1 through 50, inclusive,

Defendants.

Case No.: 22-CIV-02294

(Assigned to the Hon. Marie S. Weiner, Dept. 2)

**FIRST AMENDED COMPLAINT FOR
DAMAGES FOR:**

**(1) VIOLATION OF LABOR CODE § 226
(2) VIOLATION OF LABOR CODE § 2698,
ET SEQ.**

DEMAND OVER \$25,000

Electronically
FILED
by Superior Court of California, County of San Mateo
ON 12/27/2022
By /s/ Vanessa Jimenez
Deputy Clerk

1 Plaintiff Amin Ahmed (“Plaintiff”) hereby submits this first amended class and
2 representative action complaint against Defendant CareDx, Inc., a California corporation
3 (“Defendant” or “Company”), and Does 1-50 (hereinafter collectively referred to as
4 “Defendants”), individually and on behalf of a class of all other similarly situated current and
5 former employees of Defendant for penalties and/or damages for failure to provide accurate and
6 complete wage statements as follows:

7 **INTRODUCTION**

8 1. This action is within the Court’s jurisdiction under California Labor Code
9 sections 226 and 2698, *et seq.*, and the applicable Wage Orders of the Industrial and Welfare
10 Commission (the “IWC”).

11 2. This complaint challenges systemic illegal employment practices resulting in
12 violations of the California Labor Code against Defendant’s employees.

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 provide accurate and complete wage
16 statements to these employees.

17 **JURISDICTION AND VENUE**

18 4. The Court has jurisdiction over the violations of California Labor Code sections
19 226 and 2698, *et seq.*

20 5. Venue is proper in San Mateo County because Plaintiff worked for Defendants in
21 Brisbane, California.

22 **PARTIES**

23 6. Plaintiff was hired by Defendants as a Clinical Laboratory Assistant II and
24 worked from about November 30, 2020, until about April 22, 2022. Plaintiff worked as an
25 hourly, non-exempt employee throughout his employment.

26 7. Plaintiff is informed and believes and based thereon alleges that Defendant
27 CareDx, Inc. was and is a Delaware corporation that provides organ transplant and related
28 laboratory services and products throughout the United States, including in San Mateo County.

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

4 9. As such, and based upon all the facts and circumstances incident to Defendants'
5 business in California, Defendants are subject to Labor Code sections 226 and 2698, *et seq.*, and
6 the applicable Wage Orders.

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

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

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

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

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

8 **CLASS ACTION ALLEGATIONS**

9 15. **Definition:** The named individual Plaintiff seeks class certification, pursuant to
10 California Code of Civil Procedure section 382, of the following class: all current and former
11 non-exempt employees of Defendant, who worked in California and were paid shift differential
12 wages at any time from June 6, 2021, through the present (the “Class” or “Class Members”).

13 16. **Numerosity and Ascertainability:** The members of the Class are so numerous
14 that joinder of all members would be impractical, if not impossible. The identity of the members
15 of the Class is readily ascertainable by review of Defendant’s records, including payroll records.
16 Plaintiff is informed and believes and based thereon alleges that Defendant failed to provide
17 accurate and complete wage statements in violation of Labor Code section 226.

18 17. **Adequacy of Representation:** The named Plaintiff is fully prepared to take all
19 necessary steps to represent fairly and adequately the interests of the class defined above.
20 Plaintiff’s attorneys are ready, willing, and able to fully and adequately represent the class and
21 individual Plaintiff. Plaintiff’s attorneys have prosecuted and settled wage-and-hour class actions
22 in the past and currently have a number of wage-and-hour class actions pending in California
23 courts.

24 18. Defendant uniformly administered a corporate policy, practice of failing to
25 provide accurate and complete wage statements in violation of Labor Code section 226.

26 19. **Common Question of Law and Fact:** There are predominant common questions
27 of law and fact and a community of interest amongst Plaintiff and the claims of the Class
28 concerning Defendant failing to provide accurate and complete wage statements in violation of

1 Labor Code section 226.

2 20. **Typicality:** The claims of Plaintiff are typical of the claims of all members of the
3 Class in that Plaintiff has suffered the harm alleged in this Complaint in a similar and typical
4 manner as the Class Members. As with other non-exempt employees, Plaintiff received itemized
5 wage statements concurrent with the payment of wages. The wage statements provided to
6 Plaintiff and other employees failed to identify the correct total hours worked whenever shift
7 differential wages were paid, as required by Labor Code section 226(a)(2). Instead, whenever
8 shift differential wages were paid, the total of all hours shown on the wage statement do not
9 appear to add up to the actual total hours worked by Plaintiff and the Class Members. As such,
10 Plaintiff is a member of the Class and has suffered the alleged violations of California Labor
11 Code section 226 and the applicable Wage Orders.

12 21. The California Labor Code and upon which Plaintiff bases these claims is broadly
13 remedial in nature. These laws and labor standards serve an important public interest in
14 establishing minimum working conditions and standards in California. These laws and labor
15 standards protect the average working employee from exploitation by employers who may seek
16 to take advantage of superior economic and bargaining power in setting onerous terms and
17 conditions of employment.

18 22. The nature of this action and the format of laws available to Plaintiff and
19 members of the Class identified herein make the class action format a particularly efficient and
20 appropriate procedure to redress the wrongs alleged herein. If each employee were required to
21 file an individual lawsuit, the corporate Defendants would necessarily gain an unconscionable
22 advantage since it would be able to exploit and overwhelm the limited resources of each
23 individual plaintiff with their vastly superior financial and legal resources. Requiring each Class
24 member to pursue an individual remedy would also discourage the assertion of lawful claims by
25 employees who would be disinclined to file an action against their former and/or current
26 employer for real and justifiable fear of retaliation and permanent damage to their careers at
27 subsequent employment.

28 23. The prosecution of separate actions by the individual class members, even if

possible, would create a substantial risk of (a) inconsistent or varying adjudications with respect to individual Class members against the Defendant and which would establish potentially incompatible standards of conduct for the Defendant, and/or (b) adjudications with respect to individual Class members which would, as a practical matter, be dispositive of the interest of the other Class members not parties to the adjudications or which would substantially impair or impede the ability of the Class members to protect their interests. Further, the claims of the individual members of the Class are not sufficiently large to warrant vigorous individual prosecution considering all of the concomitant costs and expenses.

24. Such a pattern, practice, and uniform administration of corporate policy regarding illegal employee compensation described herein is unlawful and creates an entitlement to recovery by the Plaintiff and the Class identified herein of a common fund, including interest thereon, applicable penalties, reasonable attorneys' fees, and costs of suit according to the mandate of California Labor Code section 226 and Code of Civil Procedure section 1021.5.

25. Proof of a common business practice or factual pattern, which the named Plaintiff experienced and are representative of, will establish the right of each of the members of the Class to recovery on the causes of action alleged herein.

FIRST CAUSE OF ACTION

VIOLATION OF LABOR CODE § 226

(BY PLAINTIFF AND THE CLASS AGAINST ALL DEFENDANTS)

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

27. Defendant, as a matter of policy and practice, did not provide accurate wage statements to Class Members, in violation of Labor Code section 226(a).

28. Labor Code section 226(a)(2) requires that employers provide accurate itemized statements showing the correct total hours worked during the payroll period. Whenever Class Members received payment of shift differential wages, the corresponding wage statement displayed an incorrect figure for total hours worked, in violation of Labor Code section 226(a)(2). Specifically, whenever shift differential wages were paid, the total of all hours shown

1 on the wage statement do not appear to add up to the actual total hours worked by Class
2 Members.

3 29. Such a pattern, practice, and uniform administration of corporate policy as
4 described herein is unlawful and creates an entitlement to recovery by the Plaintiff and the Class
5 identified herein, in a civil action, for all damages or penalties pursuant to Labor Code section
6 226, including interest thereon, attorneys' fees, and costs of suit according to the mandate of
7 California Labor Code section 226.

8 **SECOND CAUSE OF ACTION**

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

10 **(BY PLAINTIFF AND AGGRIEVED EMPLOYEES AGAINST ALL DEFENDANTS)**

11 30. Plaintiff re-alleges and incorporates by reference the preceding paragraphs as
12 though fully set forth herein.

13 31. Plaintiff brings this cause of action, on behalf of and as a proxy for the State of
14 California and in this capacity, seeks penalties on behalf of all Aggrieved Employees from May
15 27, 2021, through the present, for Defendant's violation of Labor Code section 226.

16 32. Labor Code section 226 requires that an employer provide an itemized wage
17 statement every time wages are paid to an employee. Defendant failed in its affirmative
18 obligation to provide accurate and complete wage statements.

19 33. Plaintiff and the Aggrieved Employees were paid on an hourly basis. As such, the
20 wage statements should have reflected accurate total hours worked whenever shift differential
21 wages were paid, pursuant to Labor Code section 226(a)(2). The wage statements provided to
22 Plaintiff and the Aggrieved Employees failed to accurately identify such information. More
23 specifically, whenever shift differential wages were paid, the total hours shown on the wage
24 statements issued by Defendant do not appear to equal the actual total hours worked during the
25 pay period.

26 34. On or about May 27, 2022, Plaintiff sent written notice to the California Labor &
27 Workforce Development Agency ("LWDA") of Defendant's violations of Labor Code section
28 226, pursuant to Labor Code § 2698, *et seq.*, the Private Attorneys General Act ("PAGA"). To

1 date, the LWDA has not responded to Plaintiff's written notice.

2 35. As such, pursuant to Labor Code section 2699(a), Plaintiff seeks recovery of any
3 and all applicable civil penalties for Defendant's violation of Labor Code section 226 for the
4 time period described above, on behalf of himself and other Aggrieved Employees.

5 **PRAYER FOR RELIEF**

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

- 8 1. For an order certifying the proposed Class;
- 9 2. For an order appointing Plaintiff as the representative of the Class as described
10 herein;
- 11 3. For an order appointing counsel for Plaintiff as Class counsel;
- 12 4. Upon the First Cause of Action, for damages and/or penalties pursuant to statute
13 as set forth in California Labor Code section 226, and for costs and attorneys' fees;
- 14 5. Upon the Second Cause of Action, for damages and/or penalties pursuant to
15 statute as set forth in California Labor Code sections 226.3 and 2699, and for costs and
16 attorneys' fees;
- 17 6. On all causes of action, for attorneys' fees and costs as provided by California
18 Labor Code sections 226 and 2699 and Code of Civil Procedure section 1021.5; and
- 19 7. For such other and further relief as the Court may deem just and proper.
20

21 DATED: December 27, 2022

DIVERSITY LAW GROUP, P.C.

22
23 By: 

Larry W. Lee

24 Max W. Gavron

25 Kwanporn "Mai" Tulyathan

26 Attorneys for Plaintiff and the Class
27
28

1 **PROOF OF SERVICE**

2 **(Code of Civil Procedure Sections 1013a, 2015.5)**

3
4 STATE OF CALIFORNIA]
5]ss.
6 COUNTY OF LOS ANGELES]

7 I am employed in the County of Los Angeles, State of California. I am over the age of 18
8 and not a party to the within action; my business address is 515 S. Figueroa Street, Suite 1250,
9 Los Angeles, California 90071.

10 On December 27, 2022, I served the following document(s) described as: **FIRST
AMENDED COMPLAINT** on the interested parties in this action as follows:

11 Jennifer S. Baldocchi VIA ELECTRONIC SERVICE
12 Chris A. Jalian
13 PAUL HASTINGS LLP jenniferbaldocchi@paulhastings.com
14 515 S. Flower Street, 25th Floor chrisjalian@paulhastings.com
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15 Superior Court of California, County of VIA ELECTRONIC SERVICE
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17 Complex Civil Litigation complexcivil@sanmateocourt.org

18 Superior Court of California, County of VIA ELECTRONIC SERVICE
19 San Mateo
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20
21 X BY ELECTRONIC SERVICE: Based on a court order I caused the above-
22 entitled document(s) to be served through the Odyssey eFileCA E-Filing System at the website
23 www.california.tylerhost.net, addressed to all parties appearing on the electronic service list for
24 the above-entitled case. The service transmission was reported as complete and a copy of the
filing receipt/confirmation will be filed, deposited, or maintained with the original document(s)
in this office.

25 I declare under penalty of perjury under the laws of the State of California that the above
26 is true and correct. Executed on December 27, 2022, at Los Angeles, California.

27 
28 _____
Linda Lee