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Attorney for Plaintiff
 Andwele Arrington

SUPERIOR COURT OF CALIFORNIA
 COUNTY OF LOS ANGELES

ROBERT NAVARRO, and ANDWELE
 ARRINGTON, on behalf of themselves, all
 similarly situated individuals, and all aggrieved
 employees,

Plaintiff,

v.

SQUAD SECURITY CA, INC., and DOES 1 to
 100,

Defendants.

) NO. 22STCV24108
)
) FIRST AMENDED CLASS ACTION
) COMPLAINT
)
) 1. Wage and Hour Violations for Unpaid
) Minimum Wage and Overtime
) 2. Meal Period Violations
) 3. Rest Period Violations
) 4. Wage Statement Penalties
) 5. Waiting Time Penalties
) 6. Violation of the Unfair Competition Law
) 7. PAGA Penalties
) 8. Fair Labor Standards Act Violations
) 9. Work Reimbursement Violations
) 10. Failure to Pay Wages Timely

PRELIMINARY ALLEGATIONS

1. Plaintiff Robert Navarro is a resident of San Bernardino County.
2. Plaintiff Andwele Arrington is a resident of Alameda County.
3. Defendant Squad Security CA, Inc. ("Squad") is a corporation with its principal place of

FILED
 Superior Court of California
 County of Los Angeles
 05/22/2023

David W. Slayton, Executive Officer / Clerk of Court
 By: D. Tamayo Deputy

business in Los Angeles County.

4. Squad provides security services, with a focus on providing support to convoys of deliveries from the ports to distribution centers in the Midwest and South. As explained further below, Plaintiffs and the class members were not fully paid for these trips.

5. Plaintiff does not know the names and capacities of Does 1 to 100 and therefore use fictitious names. Plaintiff will amend pursuant to Code of Civil Procedure section 474 when the names and capacities are known.

6. Wage Order 4 applies; although Plaintiff and the class members were involved in transportation, Defendants do not operate a transportation-based industry.

7. During the many cross-country trips that Plaintiffs and the class members had to make for Defendants, they were not paid overtime and in effect worked off the clock most of the time.

8. The Labor Code applies, since even though Plaintiff and the class members traveled outside California, the Labor Code applies since Defendants are based in California. (*Oman v. Delta Air Lines* (2020) 9 Cal.5th 762.)

9. Thus, Plaintiffs and the class members are owed substantial wages for this work.

10. Further, Plaintiffs and the class members were not able to take meal and rest breaks.

11. Robert Navarro sent a PAGA letter by certified mail to Squad Security CA, Inc. and uploaded the letter to the LWDA website on May 19, 2022; since it has been more than 65 days Plaintiff may now request PAGA penalties.

12. Andwele Arrington sent a PAGA letter by certified mail to Squad Security CA, Inc. and uploaded the letter to the LWDA website on September 22, 2022.

13. Further, on November 3, 2022 Robert Navarro sent an amended PAGA letter to Squad Security CA, Inc. and uploaded the letter to the LWDA website regarding time rounding claims.

CLASS ACTION ALLEGATIONS

14. The class is defined as the following: “All non-exempt employees who worked for Defendants from March 28, 2018 to the filing of the complaint to preliminary approval..”

15. There is a well-defined community of interest in the litigation and the proposed class is

ascertainable from Defendants' employment records.

- a. Numerosity: The members of the class as defined are so numerous that joinder of all class members is impracticable.
- b. Commonality: This action involves common questions of law and fact to the class because the action focuses on Defendants' course of conduct with respect to violating the Labor Code and IWC Wage Order.
- c. Typicality: Plaintiff's claims are typical of the claims of the class. Plaintiffs were subjected to the same violations and seeks the same types of damages, restitution, and other relief on the same as those of the members of the class.
- d. Adequacy of Representation: Plaintiff will fairly and adequately represent and protect the interests of the class. Plaintiffs understands the obligations as a class representative and is willing and able to fulfill them. Plaintiff's counsel is competent and experienced in litigating large employment class actions and complex litigation matters, including wage and hour cases like this.
- e. Superiority of Class Action: A class action is superior to other available means for the efficient adjudication of this controversy. Class action treatment will allow similarly situated persons to pursue the claims in a manner that is most efficient and economical.
- f. Public Policy Considerations: Employees are often afraid to assert their rights out of fear of retaliation; thus, class actions provide the class members with anonymity that allows for vindication of rights while protecting privacy.

16. There are common questions of law and fact including but not limited to:

- a. Whether Defendants did not pay overtime and off the clock time in violation of Labor code sections 510 and 1194;
- b. Whether Defendants violated Labor Code section 512 and Wage Order 4 by not providing meal and rest breaks;
- c. Whether Defendants violated Labor Code section 226 by providing inaccurate wage statements;
- d. Whether Defendant violated Labor Code section 226.7 by not paying premium

1 pay for missed meal and rest breaks;

2 e. Whether Defendants violated Labor Code section 203 for waiting time penalties;

3 f. Whether Defendants violated Labor Code section 2802;

4 g. Whether Defendants engaged in unfair competition; and

5 h. The amount of damages, wages, and penalties owed to Plaintiff and the class.

6
7 FIRST CAUSE OF ACTION

8 WAGE AND HOUR VIOLATIONS FOR UNPAID MINIMUM WAGE AND OVERTIME

9 Against All Defendants

10 17. Plaintiffs incorporate by reference paragraphs 1 to 16 of the complaint.

11 18. Plaintiffs and the class members were not paid all wages owed for the cross-country trips to
12 guard shipments, and for other assignments; further the class members time was rounded in a way
13 that led to underpayment of wages.

14 19. Pursuant to Labor Code section 1194, Plaintiffs and the class members are entitled to all
15 unpaid wages including overtime, plus interest, costs, and attorney fees.

16
17 SECOND CAUSE OF ACTION

18 MEAL PERIOD VIOLATIONS

19 Against All Defendants

20 20. Plaintiffs incorporate by reference paragraphs 1 to 16 of the complaint.

21 21. Pursuant to Labor Code section 512 and Wage Order 4, Plaintiffs and the class members
22 should have received thirty-minute meal periods for every five hours of work.

23 22. Plaintiffs and the class members did not receive compliant meal periods, thus pursuant to
24 Labor Code section 226.7, Plaintiffs and the class members are entitled to an additional hour of
25 compensation for each missed meal period at the regular rate of pay.

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1 THIRD CAUSE OF ACTION

2 REST PERIOD VIOLATIONS

3 Against All Defendants

4 23. Plaintiffs incorporate by reference paragraphs 1 to 16 of the complaint.

5 24. Pursuant to Wage Order 4, Plaintiffs and the class members should have received ten-
6 minute meal periods for every four hours of work.

7 25. Plaintiffs and the class members did not receive these rest periods, thus they are entitled to
8 additional hours of compensation for each time they missed a rest period at the regular rate of pay.

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10 FOURTH CAUSE OF ACTION

11 WAGE STATEMENT PENALTIES

12 Against All Defendants

13 26. Plaintiffs incorporate by reference paragraphs 1 to 164 of the complaint.

14 27. The wage statements did not comply with Labor Code section 226 since they did not list all
15 hours worked.

16 28. As a result, Plaintiffs and the class members are entitled to the wage statement penalties,
17 injunctive relief, and attorney fees.

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19 FIFTH CAUSE OF ACTION

20 WAITING TIME PENALTIES

21 Against All Defendants

22 29. Plaintiffs incorporate by reference paragraphs 1 to 16 of the complaint.

23 30. Plaintiffs and members of the waiting time penalty subclass are still owed wages for work
24 performed off the clock.

25 31. Thus, waiting time penalties under Labor Code section 203 apply.

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1 SIXTH CAUSE OF ACTION

2 VIOLTION OF THE UNFAIR COMPETITION LAW

3 Against All Defendants

4 32. Plaintiffs incorporate by reference paragraphs 1 to 16 of the complaint.

5 33. Defendants engaged in the unlawful prong of the Unfair Competition Law, which included
6 taking not paying all wages and premium pay that were due.

7 34 Pursuant to Business and Professions Code section 17203, restitution applies.

8
9 SEVENTH CAUSE OF ACTION

10 PAGA PENALTIES

11 Against All Defendants

12 35. Plaintiffs incorporate by reference paragraphs 1 to 16 of the complaint.

13 36. The PAGA penalties contained in Labor Code sections 558 and 1197.1 apply to the unpaid
14 wages violations.

15 37. The PAGA penalties in Labor code 558 and 2699 apply to the missed meal breaks.

16 38. The PAGA penalties in Labor Code section 2699 apply to the rest break violations.

17 39. The PAGA penalties in Labor Code section 2699 apply to the premium pay violations.

18 39. The PAGA penalties in Labor Code section 2699 apply to the wage statement violations.

19 40. The PAGA penalties in Labor Code section 2699 apply to the waiting time penalties.

20 41. The PAGA penalties in Labor Code section 2699 apply to the work reimbursement
21 violations.

22 42. The PAGA penalties in Labor Code section 2699 apply to the inaccurate recordkeeping
23 violations.

24 43. Plaintiffs complied with the procedure in Labor Code section 2699.3.

25 44. Thus Plaintiffs are also entitled to attorney fees under Labor Code section 2699.

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1 EIGHTH CAUSE OF ACTION

2 FAIR LABOR STANDARDS ACT VIOLATIONS

3 Against All Defendants

4 45. Plaintiffs incorporate by reference paragraphs 1 to 16 of the complaint.

5 46. Defendants are employers under the Fair Labor Standards Act. (29 USC § 203(d).)

6 47. Plaintiffs and the class members are employees under 29 USC § 203(e).

7 48. Pursuant to 29 USC § 206, employees must be paid at least the federal minimum wage for
8 all hours up to eight hours a day.

9 49. Pursuant to 29 USC § 207, employees must be paid at least 1.5 times their regular rate of
10 pay for all hours worked more than 40 hours a week.

11 50. As Plaintiffs alleged above, they and the class members were not paid for all hours worked.

12 51. Therefore, under 29 USC § 216(b), Plaintiff and the class members are entitled to the
13 amount of their unpaid minimum wages, or their unpaid overtime compensation, as the case may
14 be, and in an additional equal amount as liquidated damages.

15 52. Further, Plaintiffs are entitled to attorney fees and costs.

16
17 NINTH CAUSE OF ACTION

18 WORK REIMBURSEMENT VIOLATIONS

19 Against All Defendants

20 53. Plaintiffs incorporate by reference paragraphs 1 to 16 of the complaint.

21 54. Labor Code section 2802(a) provides that employers must indemnify his or her employee
22 for all necessary expenditures or losses incurred by the employee in direct consequence of the
23 discharge of his or her duties.

24 55. Plaintiffs and the class members incurred expenses while working for Defendants that were
25 not reimbursed.

26 56. Therefore pursuant to Labor Code section 2802(c), Plaintiffs and the class members are
27 entitled to reimbursement of work-related expenses, as well as attorney fees.

1 TENTH CAUSE OF ACTION

2 FAILURE TO PAY WAGES TIMELY

3 Against All Defendants

4 57. Plaintiffs incorporate by reference paragraphs 1 to 16 of the complaint.

5 58. Pursuant to Labor Code section 204(a), labor performed between the 1st and 15th days, of
6 any calendar month shall be paid for between the 16th and the 26th day of the month during which
7 the labor was performed, and labor performed between the 16th and the last day, of any calendar
8 month, shall be paid for between the 1st and 10th day of the following month.

9 59. Plaintiffs allege wages were not timely paid pursuant to the above.

10 60. Therefore, the penalties in Labor Code section 210 apply.

11 PRAYER

12 Class Action

13 1. Certification

14 2. Plaintiffs are appointed as the class representative

15 3. Plaintiffs' attorneys are appointed as class counsel

16
17 First Cause of Action

18 1. Payment of all unpaid wages plus interest

19 2. Attorney fees and costs

20 3. Other relief the court deems proper

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22 Second Cause of Action

23 1. Premium pay for each missed break

24 2. Other relief the court deems proper

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26 Third Cause of Action

27 1. Premium pay for each missed break

28 2. Other relief the court deems proper

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Fourth Cause of Action

- 1. Wage statement penalties
- 2. Attorney fees and costs

Fifth Cause of Action

- 1. Waiting time penalties

Sixth Cause of Action

- 1. Restitution
- 2. Attorney fees under CCP 1021.5
- 3. Other relief the court deems proper

Seventh Cause of Action

- 1. All applicable PAGA penalties
- 2. Attorney fees and costs
- 3. Other relief the court deems proper

Eighth Cause of Action

- 1. Payment of all unpaid wages plus interest
- 2. Liquidated damages
- 3. Attorney fees and costs
- 4. Other relief the court deems proper

Ninth Cause of Action

- 1. Reimbursement of all work-related expenses
- 2. Attorney fees and costs
- 3. Other relief the court deems proper

1 Tenth Cause of Action

2 1. Penalties under Labor Code section 210

3 2. Other relief the court deems proper

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5 Date: May 22, 2023

FRONTIER LAW CENTER

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/s/ Adam Rose

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Attorney for Plaintiff
Robert Navarro

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