

# SUMMONS (CITACION JUDICIAL)

**NOTICE TO DEFENDANT:** ROYAL OAK AG SERVICES, INC., a  
**(AVISO AL DEMANDADO):** California corporation, and DOES 1  
through 10, inclusive

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)  
**ELECTRONICALLY FILED**  
Superior Court of California  
County of Santa Barbara  
Darrel E. Parker, Executive Officer  
7/20/2022 3:06 PM  
By: Jazmine Killian, Deputy

**YOU ARE BEING SUED BY PLAINTIFF:** JESUS SEPULVEDA, on behalf of  
**(LO ESTÁ DEMANDANDO EL DEMANDANTE):** himself 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](http://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](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://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](http://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](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://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 Santa Barbara  
312 East Cook Street, Building E  
Santa Maria, California 93454

CASE NUMBER: 22CV02799  
**(Número del Caso):**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: Daniel F. Gaines, 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, APLC

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

818-703-8985

DATE: 7/20/2022  
**(Fecha)**

Clerk, by /s/ Jazmine Killian, 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]



**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):

Daniel F. Gaines, Esq.

SBN: 251488

GAINES &amp; GAINES, APLC

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: daniel@gaineslawfirm.com

ATTORNEY FOR (Name): Plaintiff, Jesus Sepulveda

FOR COURT USE ONLY

ELECTRONICALLY FILED

Superior Court of California

County of Santa Barbara

Darrel E. Parker, Executive Officer

7/20/2022 3:06 PM

By: Jazmine Killian, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA

STREET ADDRESS: 312 East Cook Street, Building E

MAILING ADDRESS: 312-C East Cook Street

CITY AND ZIP CODE: Santa Maria, 93454

BRANCH NAME: Santa Maria - Cook Division

CASE NAME: Sepulveda v. Royal Oak AG Services, Inc., et al.

CASE NUMBER  
22CV02799

## 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)

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:

- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses  
b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court  
c. ☐ Substantial amount of documentary evidence f. ☐ 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: 7/20/22

Daniel F. Gaines, Esq.

(TYPE OR PRINT NAME)

Daniel F. Gaines

(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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |  |                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>NAME AND ADDRESS</i> ):<br>Daniel F. Gaines, Esq                      SBN: 251488                      TELEPHONE NO.: 818-703-8985<br><br>GAINES & GAINES, APLC<br>4550 E. Thousand Oaks Blvd., Suite 100, Westlake Village, CA 91362<br>fax: 818-703-8984    e-mail: daniel@gaineslawfirm.com<br>ATTORNEY FOR ( <i>NAME</i> ): Plaintiff, Jesus Sepulveda                                                                                                                                                                                                                                         |  |  | <i>FOR COURT USE ONLY</i><br><br><b>ELECTRONICALLY FILED</b><br>Superior Court of California<br>County of Santa Barbara<br>Darrel E. Parker, Executive Officer<br>7/20/2022 3:06 PM<br>By: Jazmine Killian, Deputy |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA</b><br><br><div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> Santa Barbara–Anacapa<br/>           1100 Anacapa Street<br/>           Santa Barbara, CA 93101         </div> <div style="width: 30%;"> <input checked="" type="checkbox"/> Santa Maria-Cook<br/>           312-C East Cook Street<br/>           Santa Maria, CA 93454         </div> <div style="width: 30%;"> <input type="checkbox"/> Lompoc Division<br/>           115 Civic Center Plaza<br/>           Lompoc, CA 93436         </div> </div> |  |  |                                                                                                                                                                                                                    |
| PLAINTIFF: Jesus Sepulveda<br><br>DEFENDANT: Royal Oak AG Services, Inc.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |  |                                                                                                                                                                                                                    |
| <b>CIVIL CASE COVER SHEET ADDENDUM</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |  | CASE NUMBER:<br><div style="font-size: 2em; font-weight: bold;">22CV02799</div>                                                                                                                                    |

Santa Barbara County Superior Court Local Rule, rule 201 divides Santa Barbara County geographically into two separate regions referred to as “South County” and “North County,” the boundaries of which are more particularly defined in rule 201. “South County” includes the cities of Carpinteria, Santa Barbara, and Goleta; “North County” includes the cities of Santa Maria, Lompoc, Buellton and Solvang. A map depicting this geographical division is contained in Appendix 1 to the local rules.

A plaintiff filing a new complaint or petition is required by Local Rule 1310 to complete and file this Civil Case Cover Sheet Addendum to state the basis for filing in North County or South County.

This action is filed in ☒ North County ☐ South County because venue is proper in this region for the following reason(s):

☐ The personal injury, damage to property, or breach of contract that is claimed in the complaint occurred in this region at:

☐ Venue is otherwise proper in this region because [explain]:

*Daniel F. Gaines*  
Signature of Plaintiff or Plaintiff's Counsel

DANIEL F. GAINES, ESQ. SBN 251488  
daniel@gaineslawfirm.com  
ALEX P. KATOFISKY, ESQ. SBN 202754  
alex@gaineslawfirm.com  
EVAN S. GAINES, ESQ. SBN 287668  
evan@gaineslawfirm.com  
**GAINES & GAINES, APLC**  
4550 East Thousand Oaks Boulevard, Suite 100  
Westlake Village, CA 91362  
Telephone: (818) 703-8985  
Facsimile: (818) 703-8984

Attorneys for Plaintiff Jesus Sepulveda, on behalf of himself and all “aggrieved employees” pursuant to Labor Code § 2698 *et seq.*

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

JESUS SEPULVEDA, on behalf of himself  
and all “aggrieved employees” pursuant to  
Labor Code § 2698 *et seq.*,

Plaintiff,

v.

ROYAL OAK AG SERVICES, INC., a  
California corporation, and DOES 1 through  
10, inclusive,

Defendants.

CASE NO: 22CV02799

**REPRESENTATIVE ACTION  
COMPLAINT FOR PENALTIES  
PURSUANT TO LABOR CODE § 2699(f)  
FOR VIOLATIONS OF LABOR CODE  
§§ 201, 202, 221, 226(a), 226.7, 510, 512,  
AND 1194 AND PURSUANT TO LABOR  
CODE § 2699(a) FOR VIOLATIONS OF  
LABOR CODE §§ 225.5, 226.3, AND 558**

1 Plaintiff JESUS SEPULVEDA (“Plaintiff”), on behalf of himself and others as an “aggrieved  
2 employee” under the Labor Code Private Attorneys General Act of 2004, complains of ROYAL OAK  
3 AG SERVICES, INC., a California corporation, and/or any subsidiaries or affiliated companies  
4 (hereinafter referred to as “Defendants”), as follows:

5 **I.**

6 **INTRODUCTION AND FACTUAL BACKGROUND**

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

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

14 a. Failing to compensate Plaintiff and other Aggrieved Employees with all  
15 minimum and overtime wages earned, in violation of Labor Code §§ 510, 558, 1194. Plaintiff  
16 and Aggrieved Employees were paid piece-rate wages for time spent picking agriculture.  
17 However, Plaintiff and other Aggrieved Employees were not paid for all non-productive time  
18 when they were not picking agriculture, or for their rest periods, even though they were under  
19 the control of Defendants and entitled to be paid at least the minimum wage for all hours  
20 worked or under the control of Defendants. Defendants also failed to pay for all overtime  
21 hours worked at the correct rates. This violates Labor Code §§ 510, 558, and 1194;

22 b. Failing to pay premium wages to Plaintiff other Aggrieved Employees who  
23 were denied rest periods, in violation of Labor Code § 226.7 and IWC Wage Order No. 14-  
24 2001. Plaintiff and Aggrieved Employees were routinely unable to take a 10-minute rest  
25 period for every four (4) hours of work or major fraction thereof, but were not paid premium  
26 wages of one hour’s pay for each missed rest period. They were also not fully paid all wages  
27 earned during their rest periods. When they were able to take a rest period, they were  
28 oftentimes late, cut short, or required to work through them. Plaintiff and other Aggrieved

1 Employees were also prohibited from leaving Defendants' premises while on their rest  
2 periods, thereby subjecting them to Defendants' control during their rest periods. This violates  
3 Labor Code § 226.7 and IWC Wage Order No. 14-2001;

4 c. Failing to pay premium wages to Plaintiff and other Aggrieved Employees who  
5 were denied proper meal periods, in violation of Labor Code §§ 226.7, 512, 558 and IWC  
6 Wage Order 14-2001. Plaintiff and Aggrieved Employees were routinely denied, and not  
7 authorized to take, a proper, timely, uninterrupted, 30-minute meal period for every shift  
8 worked that exceeded five hours, or a second proper, timely, uninterrupted, 30-minute meal  
9 period for every shift worked that exceeded ten hours, but were not paid premium wages of  
10 one hour's pay for each missed first or second meal period. When Plaintiff did receive a meal  
11 period, it would typically be late, short, or he would have to clock out and continue working,  
12 which also deprived him of all wages due since he was not paid for all hours worked. Plaintiff  
13 and Aggrieved Employees were also prohibited from leaving Defendants' premises while on  
14 their meal periods, thereby subjecting them to Defendants' control during their meal periods.  
15 This violates Labor Code §§ 226.7, 510, 512, 558, and 1194, and IWC Wage Order 14-2001;

16 d. Making improper deductions from Plaintiff's and other Aggrieved Employees'  
17 wages. Labor Code § 221 provides that "[i]t shall be unlawful for any employer to collect or  
18 receive from an employee any part of wages theretofore paid by said employer to said  
19 employee." Defendants have violated Labor Code §§ 221 and 225.5 (together with Labor  
20 Code § 510, 558 and 1194) because they improperly deducted fees for meals and other charges  
21 from Plaintiff and other Aggrieved Employees. Defendants deducted meal fees even when  
22 Plaintiff was not provided any meal. No legally permissible authorization was made for these  
23 deductions and Plaintiff and other Aggrieved Employees are entitled to civil penalties as a  
24 result;

25 e. Failing to provide Plaintiff and other Aggrieved Employees with wage  
26 statements that fully and accurately itemized the requirements set forth in Labor Code §  
27 226(a). Plaintiff and other Aggrieved Employees were not paid all wages due, as stated above.  
28 As such, the wage statements provided by Defendants failed to accurately state all gross wages

1 earned, in violation of Labor Code §§ 226(a)(1) and 226.3, total hours worked, in violation of  
2 Labor Code §§ 226(a)(2) and 226.3, net wages earned, in violation of Labor Code §§ 226(a)(5)  
3 and 226.3, and all applicable hourly rates in effect during the pay period and the corresponding  
4 number of hours worked at each hourly rate, in violation of Labor Code §§ 226(a)(9) and  
5 226.3. In addition to, and independent of the above allegations, the wage statements issued  
6 to Plaintiff and Aggrieved Employees failed to correctly set forth all applicable hourly rates  
7 in effect during the pay period and the corresponding number of hours worked at each hourly  
8 rate, in violation of Labor Code §§ 226(a)(9) and 226.3, because the wage statements failed  
9 to set forth the applicable overtime rates in effect during the pay period; and  
10

11 f. Failing to pay Plaintiff other Aggrieved Employees all wages due at the  
12 separation of their employment based on the time frames required by Labor Code §§ 201 and  
13 202. As stated above, Plaintiff and other Aggrieved Employees were not paid all wages due  
14 during the course of their employment and, as a result of this failure, they were not timely  
15 paid all wages due at the separation of their employment. This violates Labor Code §§ 201-  
16 202 and is alleged on behalf of Plaintiff and certain Aggrieved Employees no longer employed  
17 by Defendants.

18 3. Plaintiff, on behalf of himself and all Aggrieved Employees pursuant to Labor Code §  
19 2698 *et seq.*, seeks civil penalties for Defendants' violations of the California Labor Code.  
20

## 21 II.

### 22 PARTIES

#### 23 A. Plaintiff

24 4. Plaintiff JESUS SEPULVEDA was employed by Defendants from June 2020 through  
25 April 2022 as a non-exempt employee in Santa Barbara County, California.

#### 26 B. Defendant

27 5. Defendant ROYAL OAK AG SERVICES, INC., is a California corporation.  
28 Defendant employed Plaintiff and Aggrieved Employees throughout the State of California, including  
Santa Barbara County, California.

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

7. Plaintiff is informed and believes, and based thereon alleges, that each Defendant acted in all respects pertinent to this action as the agent of the other Defendant, carried out a joint scheme, business plan or policy in all respects pertinent hereto, and the acts of each Defendant is legally attributable to the other Defendants.

8. 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.

#### IV.

## 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, 221, 226(a), 226.7, 510, 512, AND 1194 AND PURSUANT TO  
LABOR CODE § 2699(a) FOR VIOLATIONS OF LABOR CODE §§ 225.5, 226.3, AND 558**

9. Plaintiff incorporates paragraphs 1 through 8 of this Complaint as though fully set forth herein.

10. 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.*

11. 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, 221, 226(a), 226.7, 510, 512, and 1194; and
- b. Pursuant to Labor Code § 2699(a), the civil penalties as authorized by Labor Code §§ 225.5, 226.3, and 558.

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

13. On May 5, 2022, Plaintiff sent a letter, by online submission to the LWDA and by certified mail, return receipt requested, to Defendants setting forth the facts and theories of the violations alleged against Defendants, as prescribed by Labor Code § 2698 *et seq.* Pursuant to Labor Code § 2699.3(a)(2)(A), no notice was received by Plaintiff from the LWDA within sixty-five (65) calendar days of May 5, 2022. Plaintiff may therefore commence this action to seek civil penalties pursuant to Labor Code § 2698 *et seq.*

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

## V.

### **RELIEF REQUESTED**

WHEREFORE, Plaintiff prays for the following relief:

1. For civil penalties pursuant to Labor Code § 2698 *et seq.* for Plaintiff and all other Aggrieved Employees;
2. An award providing for payment of costs of suit pursuant to Labor Code § 2699(g)(1) and other applicable law;
3. An award of attorneys' fees pursuant to Labor Code § 2699(g)(1) and other applicable law; and

\\

\\

\\

\\

1           4.       Such other and further relief as this Court may deem just and proper.

2  
3       Dated: July 20, 2022

Respectfully submitted,

4           GAINES & GAINES  
5           A Professional Law Corporation

6           By: *Evan S. Gaines*  
7                EVAN S. GAINES  
8                Attorneys for Plaintiff

|                                                                                                                                                                        |                                                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA</b><br>STREET ADDRESS: 312-C East Cook Street<br>CITY AND ZIP CODE: Santa Maria CA 93454<br>BRANCH NAME: Cook | FOR COURT USE ONLY<br><b>FILED</b><br>SUPERIOR COURT of CALIFORNIA<br>COUNTY of SANTA BARBARA<br><b>07/21/2022</b><br>Darrel E. Parker, Executive Officer<br>BY <u>Navarro, Isabel</u><br>Deputy Clerk |
| CAPTION:<br><br><b>Jesus Sepulveda vs Royal Oak AG Services Inc</b>                                                                                                    | CASE NUMBER:<br><b>22CV02799</b>                                                                                                                                                                       |
| <b>ORDER AND NOTICE OF CASE ASSIGNMENT;<br/>         NOTICE OF CASE MANAGEMENT CONFERENCE</b>                                                                          |                                                                                                                                                                                                        |

The above case is hereby assigned to Judge **Jed Beebe** for ALL purposes, including trial. All future matters, including ex-parte matters, are to be scheduled with the assigned judge. Counsel shall include the name of the assigned judge in the caption of every document filed with the court. The above-entitled case is hereby ordered set for:

**Case Management Conference on 11/23/2022 at 8:30 AM in SM Dept 4** at the court address above.

PLAINTIFF SHALL GIVE NOTICE of this assignment to ALL parties brought into the case, including but not limited to defendants, cross-defendants and intervenors. A Proof of Service of this ORDER & NOTICE OF CASE ASSIGNMENT is to be filed with the Court within five (5) working days after service. Failure to give notice and file proof thereof or failure to appear may result in the imposition of sanctions. Pursuant to California Rule of Court 3.725, no later than fifteen (15) calendar days before the date set for the Case Management Conference, each party must file a Case Management Statement (Judicial Council form CM110). In lieu of each party filing a separate Case Management Statement, any two or more parties may file a joint statement.

Appearance by Zoom video conference is currently optional for Civil Case Management Conferences.

Use the links provided to access the Remote Hearing Information flyer in English

[https://www.sbcourts.org/gi/notices/Zoom\\_Instructions.pdf](https://www.sbcourts.org/gi/notices/Zoom_Instructions.pdf), and in Spanish

[https://www.sbcourts.org/gi/notices/Zoom\\_InstructionsSP.pdf](https://www.sbcourts.org/gi/notices/Zoom_InstructionsSP.pdf). Or visit the to the court's website at [www.sbcourts.org](http://www.sbcourts.org) and click on Remote Appearance by Zoom.

At the Court's discretion counsel, parties and insurance representatives (if any) with full settlement authority may be required to attend a CADRe Information Meeting within ten (10) days of the Conference date.

Dated: 7/21/2022



Gustavo E Lavayen  
Judge of the Superior Court

### CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this action and that a true copy of the foregoing was mailed first class, postage prepaid, in a sealed envelope addressed as shown, and that the mailing of the foregoing and execution of this certificate occurred at (place): Santa Maria, California on: 07/21/22.

Daniel F Gaines  
Gaines & Gaines APLC  
4550 East Thousand Oaks Boulevard Suite 100  
Westlake Village CA 91362

Darrel E. Parker, Executive Officer

By I. Navarro

Deputy Clerk