

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: NORTHRIDGE COOPERATIVE HOMES, a
(**AVISO AL DEMANDADO**): California nonprofit corporation, and
DOES 1 through 10, inclusive

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

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

ELECTRONICALLY FILED
Superior Court of California
County of Alameda
07/13/2022

Chad Finke, Executive Officer / Clerk of the Court

By: T. Pierce Deputy

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 Alameda
1225 Fallon St.

Oakland, California 94612

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: Daniel F. Gaines, Esq. #20754
(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 East Thousand Oaks Blvd., Suite 100, Westlake Village, CA 91362

818-703-8985

DATE: 07/13/2022 Chad Finke, Executive Officer / Clerk of the Court Clerk, by T. Pierce, Deputy
(Fecha) (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: 202754

GAINES & 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, Nakeitha Kennedy

FOR COURT USE ONLY

ELECTRONICALLY FILEDSuperior Court of California,
County of Alameda**07/13/2022 at 11:14:28 AM**By: Tania Pierce,
Deputy Clerk**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA**

STREET ADDRESS: 1225 Fallon St.

MAILING ADDRESS: 1225 Fallon St.

CITY AND ZIP CODE: Oakland, 94612

BRANCH NAME: Rene C. Davidson Alameda County Courthouse

CASE NAME: Kennedy v. Northridge Cooperative Homes, 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:

22CV014162

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. ☐ punitive4. 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: 7/13/22

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

ELECTRONICALLY FILED

Superior Court of California,
County of Alameda

07/13/2022 at 11:14:28 AM

By: Tania Pierce,
Deputy Clerk

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Attorneys for Plaintiff Nakeitha Kennedy, 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 ALAMEDA

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

Plaintiff,

v.

NORTHRIDGE COOPERATIVE HOMES, a
California nonprofit corporation, and DOES 1
through 10, inclusive,

Defendants.

CASE NO: **22CV014162**

**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, 1198, AND 2802 AND
PURSUANT TO LABOR CODE § 2699(a)
FOR VIOLATIONS OF LABOR CODE §§
226.3 AND 558**

1 Plaintiff NAKEITHA KENNEDY (“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 NORTHRIDGE COOPERATIVE HOMES, a California nonprofit corporation, and/or any
4 subsidiaries or affiliated companies (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 pay all minimum and overtime wages to Plaintiff and Aggrieved
15 Employees, in violation of Labor Code §§ 510, 558, and 1194 and IWC Wage Order 5-2001. Plaintiff
16 and Aggrieved Employees worked off-the-clock: they were not paid for time spent working before
17 their scheduled shifts. In addition, Plaintiff and Aggrieved Employees would work in excess of eight
18 (8) hours per day and forty (40) hours per week, but were not properly compensated for work
19 performed in excess of eight (8) hours in a workday and work performed in excess of forty (40) hours
20 in a workweek and were not paid premium overtime wages at a rate of no less than one and one-half
21 times the regular rate of pay. These instances deprived Plaintiff and Aggrieved Employees of
22 significant hours worked and minimum and overtime wages due and constitutes a violation of Labor
23 Code §§ 510, 558 and 1194 and IWC Wage Order 5-2001;

24 b. Failing to pay premium wages to Plaintiff and Aggrieved Employees who were
25 denied rest periods, in violation of Labor Code § 226.7 and IWC Wage Order No. 5-2001. Plaintiff
26 and Aggrieved Employees were routinely unable to take an off-duty 10-minute rest period for every
27 four (4) hours of work or major fraction thereof, but were not paid premium wages of one hour’s pay
28

1 for each missed rest period. When they were able to take a rest period, they were oftentimes late or
2 cut short. This violates Labor Code § 226.7 and IWC Wage Order No. 5-2001;

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

12 d. Failing to reimburse Plaintiff and Aggrieved Employees for necessary business
13 expenses incurred in direct consequence of the discharge of their duties, in violation of Labor Code §
14 2802, including, but not limited to, the use of their personal cellular phones and the use of their
15 personal home items while working for Defendants. Defendants did not reimburse Plaintiff and
16 Aggrieved Employees for the expenditures necessary to work from home while working for
17 Defendants, such as stationery materials, printer ink, computer, internet, utilities, and so forth. Labor
18 Code § 2802 states that an employer must indemnify their employees for all necessary expenditures
19 or losses incurred by the employee in direct consequence of the discharge of their duties, and
20 Defendants' failure to do so has violated this section;

21 e. Failing to provide Plaintiff and Aggrieved Employees with wage statements
22 that fully and accurately itemized the requirements set forth in Labor Code § 226(a). As stated above,
23 Plaintiff and Aggrieved Employees were not paid all wages due, including minimum wages, overtime
24 wages, and premium meal and rest period wages, as stated above. As such, the wage statements
25 provided by Defendants failed to accurately state all gross wages earned, in violation of Labor Code
26 §§ 226(a)(1) and 226.3, total hours worked, in violation of Labor Code §§ 226(a)(2) and 226.3, net
27 wages earned, in violation of Labor Code §§ 226(a)(5) and 226.3, and all applicable hourly rates in
28

1 effect during the pay period and the corresponding numbers of hours worked at each rate, in violation
2 of Labor Code §§ 226(a)(9) and 226.3; and

3 f. Failing to pay Plaintiff and Aggrieved Employees all wages due at the
4 separation of their employment based on the time frames required by Labor Code §§ 201 and 202.
5 As stated above, Plaintiff and other Aggrieved Employees were not paid all wages due, including
6 minimum and overtime wages and premium wages for missed and denied meal and rest periods,
7 during the course of their employment, and as a result of this failure, they were not timely paid all
8 wages due at the separation of their employment. This violates Labor Code §§ 201-202 and is alleged
9 on behalf of Plaintiff and certain Aggrieved Employees no longer employed by Defendants.

10 3. Plaintiff, on behalf of herself and all Aggrieved Employees pursuant to Labor Code §
11 2698 *et seq.*, seeks civil penalties for Defendants' violations of the California Labor Code.

12 4. Venue is proper in this judicial district, pursuant to Code of Civil Procedure § 395.
13 The Labor Code violations alleged against Defendants herein arose throughout the State of California,
14 including Alameda County.

15 II.

16 PARTIES

17 A. Plaintiff

18 5. Plaintiff NAKEITHA KENNEDY was employed by Defendants from June 2018
19 through July 2021 as a non-exempt employee in San Francisco County, California.

20 B. Defendant

21 6. Defendant NORTHRIDGE COOPERATIVE HOMES is a California nonprofit
22 corporation that employed Plaintiff and Aggrieved Employees throughout the State of California,
23 including Alameda County, California.

24 7. The true names and capacities, whether individual, corporate, associate, or otherwise,
25 of Defendants sued herein as DOES 1 to 10, inclusive, are currently unknown to Plaintiff, who
26 therefore sues Defendants by such fictitious names under Code of Civil Procedure § 474. Plaintiff is
27 informed and believes, and based thereon alleges, that each of the Defendants designated herein as a
28 DOE is legally responsible in some manner for the unlawful acts referred to herein. Plaintiff will

1 seek leave of court to amend this Complaint to reflect the true names and capacities of the Defendants
2 designated hereinafter as DOES when such identities become known.

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

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

10 III.

11 CAUSES OF ACTION

12 FIRST CAUSE OF ACTION

13 **PLAINTIFF AND ALL AGGRIEVED EMPLOYEES AGAINST ALL DEFENDANTS**
14 **CIVIL PENALTIES PURSUANT TO LABOR CODE § 2699(f) FOR VIOLATIONS OF**
15 **LABOR CODE §§ 201, 202, 226(a), 226.7, 510, 512, 1174, 1174.5, 1194, 1198, AND 2802 AND**
16 **PURSUANT TO LABOR CODE § 2699(a) FOR VIOLATIONS OF LABOR CODE §§ 226.3**
17 **AND 558**

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

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

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

- 24 a. Pursuant to Labor Code § 2699(f), \$100 for each initial violation and \$200 for
25 each subsequent violation of Labor Code §§ 201, 202, 226(a), 226.7, 510, 512,
26 1174, 1174.5, 1194, 1198, and 2802; and
- 27 b. Pursuant to Labor Code § 2699(a), the civil penalties as authorized by Labor
28 Code §§ 226.3 and 558.

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

14. On May 4, 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 4 2022. Plaintiff may therefore commence this action to seek civil penalties pursuant to Labor Code § 2698 *et seq.*

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

IV.

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), 2802, and other applicable law;

3. An award of attorneys' fees pursuant to Labor Code §§ 2699(g)(1), 2802, and other applicable law; and

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

Dated: July 13, 2022

Respectfully submitted,

GAINES & GAINES
A Professional Law Corporation

By: Evan S. Gaines
DANIEL F. GAINES
EVAN S. GAINES
Attorneys for Plaintiff

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse Administration Building, 1221 Oak Street, Oakland, CA 94612	FILED Superior Court of California County of Alameda 07/13/2022
PLAINTIFF(S): NAKEITHA KENNEDY, on behalf of herself and all aggrieved employee	Clad Flake, Executive Officer / Clerk of the Court By: <u>Janis Pierce</u> Deputy
DEFENDANT(S): NORTHRIDGE COOPERATIVE HOMES, a California nonprofit corporation	T. Pierce
NOTICE OF CASE ASSIGNMENT	CASE NUMBER: 22CV014162

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Pursuant to Rule 3.734 of the California Rules of Court and Title 3 Chapter 2 of the Local Rules of the Superior Court of California, County of Alameda, this action is hereby assigned by the Presiding Judge for all purposes to:

ASSIGNED JUDGE: James Reilly
DEPARTMENT: 25
LOCATION: Rene C. Davidson Courthouse
Administration Building, 1221 Oak Street, Oakland, CA 94612
PHONE NUMBER: (510) 267-6941
FAX NUMBER:
EMAIL ADDRESS: Dept25@alameda.courts.ca.gov

Under direct calendaring, this case is assigned to a single judge for all purposes including trial.

Please note: In this case, any challenge pursuant to Code of Civil Procedures section 170.6 must be exercised within the time period by law. (See Code of Civ. Proc. §§ 170.6, subd. (a.)(2) and 101.3)

NOTICE OF NONAVAILABILITY OF COURT REPORTERS: Effective June 4, 2012, the court will not provide a court reporter for civil law and motion hearings, any other hearing or trial in civil departments, or any afternoon hearing in Department 201 (probate). Parties may arrange and pay for the attendance of a certified shorthand reporter. In limited jurisdiction cases, parties may request electronic recording. Amended Local Rule 3.95 states: "Except as otherwise required by law, in general civil case and probate departments, the services of an official court reporter are not normally available. For civil trials, each party must serve and file a statement before the trial date indicating whether the party requests the presence of an official court reporter."

GENERAL PROCEDURES

Following assignment of a civil case to a specific department, all pleadings, papers, forms, documents and writings can be submitted for filing at either Civil Clerk's Office, located at the Rene C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California, 94612, and the Hayward Hall of Justice, 24405 Amador Street, Hayward, California, 94544 and through Civil e-filing. Information regarding Civil e-filing can be found on the courts website. All documents, with the exception of the original summons and the original civil complaint, shall have clearly typed on the face page of each document, under the case number, the following:

NOTICE OF CASE ASSIGNMENT

ASSIGNED FOR ALL PURPOSES TO
JUDGE James Reilly
DEPARTMENT 25

All parties are expected to know and comply with the Local Rules of this Court, which are available on the court's website at [http://www.alameda.courts.ca.gov/Pages.aspx/Local-Rules\(1\)](http://www.alameda.courts.ca.gov/Pages.aspx/Local-Rules(1)) and with the California Rules of Court, which are available at www.courtinfo.ca.gov.

Parties must meet and confer to discuss the effective use of mediation or other alternative dispute processed (ADR) prior to the Initial Case Management Conference. The court encourages parties to file a "Stipulation to Attend ADR and Delay Initial Case Management Conference for 90 Days." The court's website contains this form and other ADR information. If the parties do not stipulate to attend ADR, the parties must be prepared to discuss referral to ADR at the Initial Case Management Conference.

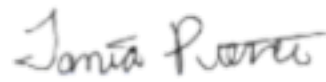
COURT RESERVATIONS

The use of the Court Reservation System (CRS) is now mandated in many civil courtrooms within the Alameda County Superior Court. Instead of calling or emailing the courtroom to make a reservation, parties with a case assigned to a courtroom using CRS are directed to utilize CRS to make and manage their own reservations, within parameters set by the courtrooms. CRS is available 24 hours a day, seven days a week and reservations can be made from a computer or smart phone. Please note, you are prohibited from reserving more than one hearing date for the same motion.

Prior to scheduling any motion on CRS, including any Applications for Orders for Appearance and Examination, or continuing any motion, please review the online information (if any) for the courtroom in which you are reserving. There may be specific and important conditions associated with certain motions and proceedings. Information is available on the court's eCourt Public Portal at www.eportal.alameda.courts.ca.gov.

Chad Finke, Executive Officer / Clerk of the Court

By



T. Pierce, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA		Reserved for Clerk's File Stamp FILED Superior Court of California County of Alameda 07/13/2022 Clad Filke, Executive Officer/Clerk of the Court By: <u>Janis Pierce</u> Deputy T. Pierce
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse Administration Building, 1221 Oak Street, Oakland, CA 94612		
PLAINTIFF: NAKEITHA KENNEDY, on behalf of herself and all aggrieved empl		
DEFENDANT: NORTHRIDGE COOPERATIVE HOMES, a California nonprofit co		
NOTICE OF CASE MANAGEMENT CONFERENCE		CASE NUMBER: 22CV014162

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve all named defendants and file proofs of service on those defendants with the court within 60 days of the filing of the complaint (Cal. Rules of Court, 3.110(b)).

Give notice of this conference to all other parties and file proof of service.

Your Case Management Conference has been scheduled on:

Date: 11/29/2022	Time: 3:00 PM	Dept.: 25
Location: Rene C. Davidson Courthouse Administration Building, 1221 Oak Street, Oakland, CA 94612		

TO DEFENDANT(S)/ATTORNEY(S) FOR DEFENDANT(S) OF RECORD:

The setting of the Case Management Conference does not exempt the defendant from filing a responsive pleading as required by law, you must respond as stated on the summons.

TO ALL PARTIES who have appeared before the date of the conference must:

Pursuant to California Rules of Court, 3.725, a completed Case Management Statement (Judicial Council form CM-110) must be filed and served at least 15 calendar days before the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record.

Meet and confer, in person or by telephone as required by Cal. Rules of Court, rule 3.724.

Post jury fees as required by Code of Civil Procedure section 631.

If you do not follow the orders above, the court may issue an order to show cause why you should not be sanctioned under Cal. Rules of Court, rule 2.30. Sanctions may include monetary sanctions, striking pleadings or dismissal of the action.

The judge may place a Tentative Case Management Order in your case's on-line register of actions before the conference. This order may establish a discovery schedule, set a trial date or refer the case to Alternate Dispute Resolution, such as mediation or arbitration. Check the court's eCourt Public Portal for each assigned department's procedures regarding tentative case management orders at <https://eportal.alameda.courts.ca.gov>.

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	FILED Superior Court of California County of Alameda 07/13/2022
PLAINTIFF/PETITIONER: NAKEITHA KENNEDY, on behalf of herself and all aggrieved employees pursuant to Labor Code 2698 et seq	Chad Finke, Executive Officer / Clerk of the Court By: <u>T. Pierce</u> Deputy T. Pierce
DEFENDANT/RESPONDENT: NORTHRIDGE COOPERATIVE HOMES, a California nonprofit corporation, and DOES 1 through 10, inclusive	
CERTIFICATE OF MAILING	CASE NUMBER: 22CV014162

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Case Management Conference upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Oakland, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Alex Katofsky
Gaines & Gaines, APLC
4550 East Thousand Oaks Boulevard Suite 100
Westlake Village, CA 91362

Dated: 07/13/2022

Chad Finke, Executive Officer / Clerk of the Court

By:

T. Pierce

T. Pierce, Deputy Clerk

CERTIFICATE OF MAILING