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SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

KRISTEN JOHNSON,	) NO.
	)
Plaintiff,	) COMPLAINT
	)
v.	) 1. Minimum Wage Violations
	) 2. Overtime Violations
QUICKBITES, INC., and DOES 1 to 100,	) 3. Meal Period Violations
	) 4. Rest Period Violations
Defendants.	) 5. Wage Statement Penalties
	) 6. Violation of Unfair Competition Law
	) 7. PAGA Penalties

PRELIMINARY ALLEGATIONS

1. Plaintiff Kristen Johnson ("Plaintiff") is a resident of Riverside County.
2. Defendant Quickbites, Inc. is a California corporation based in San Bernardino County; it operates Del Taco franchises.
3. Plaintiff does not know the true names and capacities of Does 1 to 100 and therefore uses fictitious names. Plaintiff will amend the complaint pursuant to Code of Civil Procedure section 474 to allege the true names and capacities when ascertained.
4. The named and Doe defendants are collectively referred to as "Defendants."
5. Plaintiff is informed and believes that each of the Defendants was the agent or employee of the other defendants and acted in the scope of agency or employment.

6. Defendants employ Plaintiff as a nonexempt worker. Therefore, Wage Order 5 applies.

7. Plaintiff was not exempt since she did not customarily and regularly exercise discretion and independent judgment.

8. Throughout Plaintiff's employment, she did not receive compliant meal and rest periods, did not receive overtime and premium pay at the correct regular rate, did not receive at least the minimum wage for work off the clock, did not receive accurate wage statements, and was not provided suitable seating.

9. On January 24, 2025 Plaintiff sent a letter by certified mail to Defendant and uploaded the letter to the LWDA portal. Since it has been more than 65 days since the letter was sent, Plaintiff may now request PAGA penalties

FIRST CAUSE OF ACTION

Minimum Wage Violations

Against All Defendants

10. Plaintiff incorporates by reference paragraphs 1 to 9 of the complaint.

11. Plaintiff was required to work off the clock; this time should have been paid at least the minimum wage.

12. As a result, Plaintiff is owed reimbursement for unpaid wages, interest, and attorney fees.

SECOND CAUSE OF ACTION

Overtime Violations

Against All Defendants

13. Plaintiff incorporates by reference paragraphs 1 to 9 of the complaint.

14. Plaintiff was required to work over eight hours in a day and/or 40 hours in a week without being compensated for all overtime in violation of Labor Code 510.

15. Examples of unpaid overtime include work off the clock and not receiving overtime at the correct regular rate of pay. The remedy is payment of the unpaid overtime at the correct regular rate of pay, plus interest and attorney fees, pursuant to Labor Code section 1194.

1 THIRD CAUSE OF ACTION

2 Meal Period Violations

3 Against All Defendants

4 14. Plaintiff incorporates by reference paragraphs 1 to 9 of the complaint.

5 15. Pursuant to Wage Order 5 every employer shall authorize and permit employees to take
6 meal periods of thirty minutes for every five hours worked.

7 16. Pursuant to Labor Code section 226.7(c) and IWC Wage Order 5, when the employer does
8 not provide the required meal period, the employer shall pay the employee one hour of pay at the
9 employee's regular rate of compensation for each workday that a rest period is not provided.

10 17. Plaintiff was denied meal periods, Plaintiff is entitled to premium pay which is one
11 additional hour of compensation for each missed break at the regular rate of pay.

12
13 FOURTH CAUSE OF ACTION

14 Rest Period Violations

15 Against All Defendants

16 19. Plaintiff incorporates by reference paragraphs 1 to 9 of the complaint.

17 20. Pursuant to Wage Order 5 every employer shall authorize and permit employees to take rest
18 periods of ten minutes for every four hours worked.

19 21. Pursuant to Labor Code section 226.7(c) and IWC Wage Order 5, when the employer does
20 not provide the required rest period, the employer shall pay the employee one hour of pay at the
21 employee's regular rate of compensation for each workday that a rest period is not provided.

22 22. As a result of Defendants' rest period violations, Plaintiff is entitled to premium pay which
23 is one additional hour of compensation for each missed break at the regular rate of pay.

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25 FIFTH CAUSE OF ACTION

26 Wage Statement Penalties

27 Against All Defendants

28 23. Plaintiff incorporates by reference paragraphs 1 to 19 of the complaint.

1 24. Defendants' wage statements violated Labor Code section 226 since if they were issued
2 they intentionally did not list the work performed off the clock, the correct regular rates of pay for
3 overtime, and did not list premium pay for missed breaks at the correct regular rate of pay.

4 25. The remedy is wage statement penalties up to \$4,000 and attorney fees.
5

6 SIXTH CAUSE OF ACTION

7 Violation of Unfair Competition Law

8 Against All Defendants

9 26. Plaintiff incorporates by reference paragraphs 1 to 9 of the complaint.

10 27. The Unfair Competition Law prohibits unfair, unlawful, and fraudulent business practices.

11 28. This claim is being brought under the unlawful prong of the UCL.

12 29. Defendants violated the Labor Code and IWC Wage Order by not paying all wages due,
13 including minimum wage, and overtime and premium pay at the correct regular rate.

14 30. Plaintiff is entitled to restitution and attorney fees under CCP 1021.5.
15

16 SEVENTH CAUSE OF ACTION

17 PAGA Penalties

18 Against All Defendants

19 31. Plaintiff incorporates by reference paragraphs 1 to 19 of the complaint.

20 32. PAGA authorizes an aggrieved employee to pursue a case for Labor Code violations on
21 behalf of aggrieved employees and the Labor and Workforce Development Agency.

22 33. The PAGA penalties discussed in the PAGA letter relate to the following: 1) rest break
23 violations, 5) wage statement violations, 6) suitable seating violations.

24 34. The PAGA penalties for the rest break violations are contained in Labor Code 2699.

25 35. The PAGA penalties for the wage statement violations are contained in Labor Code 226.3.

26 36. The PAGA penalties for the suitable seating violations are contained in Labor Code 2699.

27 37. Also, Plaintiff is entitled to attorney fees and costs under Labor Code section 2699.

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1 PRAYER

2 First Cause of Action

3 1. Payment of all unpaid wages

4 2. Interest

5 3. Attorney fees

6 4. Other relief the court deems proper

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8 Second Cause of Action

9 1. Payment of overtime

10 2. Interest

11 3. Attorney fees

12 4. Other relief the court deems proper

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14 Third Cause of Action

15 1. Premium pay at the correct regular rate of pay

16 2. Interest

17 3. Other relief the court deems proper

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19 Fourth Cause of Action

20 1. Premium pay at the correct regular rate of pay

21 2. Interest

22 3. Other relief the court deems proper

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24 Fifth Cause of Action

25 1. Wage statement penalties

26 2. Attorney fees and costs

27 3. Other relief the court deems proper

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- 1 Sixth Cause of Action
2 1. Restitution
3 2. Attorney fees
4 3. Other relief the court deems proper
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- 6 Seventh Cause of Action
7 1. All applicable PAGA penalties
8 2. Attorney fees and costs
9 3. Other relief the court deems proper
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11 Date: April 3, 2025

FRONTIER LAW CENTER

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13 /s/ Adam Rose
14 Attorney for Plaintiff
15 Kristen Johnson
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