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Superior Court of California
County of San Bernardino
Rancho Cucamonga District
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By: Nancy Liemsithisak, DEPUTY

9 **SUPERIOR COURT OF CALIFORNIA**

10 **COUNTY OF SAN BERNARDINO**

11 SHARON MUNIZ, individually and on behalf
12 of all others similarly situated,

13 Plaintiffs,

14 v.

15 FRONTLINE MEDIA SOLUTIONS, and
16 DOES 1 to 100,

17 Defendants.

Case No. CIVRS2503342

CLASS ACTION COMPLAINT

1. **Failure to Pay All Hours Worked**
2. **Failure to Pay All Overtime Owed**
3. **Failure to Reimburse Work-Related Expenses**
4. **Wage Statement Violation**
5. **Willful Misclassification**
6. **Violation of Unfair Competition**
7. **PAGA Penalties**

19 **PARTIES**

- 21 1. Plaintiff Sharon Muniz ("Plaintiff") is a resident of San Bernardino County.
- 22 2. Defendant Frontline Media Solutions is a business entity form unknown that is based in
23 North Carolina, but has employees in California including Plaintiff.
- 24 3. Plaintiff is unaware of the true names or capacities of the Doe Defendants and therefore uses
25 fictitious names. Plaintiff will amend to insert the true names and capacities when the information is
26 obtained. Plaintiff is informed and believes, and based on such information and belief alleges, that
27 each of the Doe Defendants has participated in some way in the wrongful acts and omissions
28 alleged below. Defendant and Doe Defendants are collectively referred to as "Defendants".

FACTUAL ALLEGATIONS

4. At all times relevant, Plaintiff was Defendants' employee.

5. Plaintiff and the Class performed work in the ordinary course of business of Defendants. Defendants willfully misclassified Plaintiff and the Class as independent contractors.

6. Under California law, the distinction between employees and independent contractors is crucial, as only employees are protected by wage and hour laws. (*S.G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989).) The California Supreme Court established a simplified "ABC test" to determine worker classification for claims under California Wage Orders. (*Dynamex Operations West, Inc. v. Sup.Ct.* (2018).) Under this test, a worker is presumed to be an employee unless the hiring entity proves all three of the following elements: (A) the worker is free from the hiring entity's control and direction in performing the work, both under contract and in fact; (B) the worker performs work outside the usual course of the hiring entity's business; and (C) the worker is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed. The failure to establish any single element of this test results in the worker being classified as an employee rather than an independent contractor

7. Here, Plaintiff and the Class were performing work under the direct control and supervision of Defendants both as to means and method of performance. Further, Plaintiff and the Class were performing functions within the usual course of Defendant's business purpose. Lastly, Plaintiff and the Class are not engaged in independent trade or business of the same nature. Therefore, Plaintiff and the Class are employees of Defendants.

8. Defendants failed to pay Plaintiff and the Class for all hours worked because Defendants required work to be performed without pay, such as building signs, travelling to locations, and setting up signs.

9. Defendants failed to pay Plaintiff and the Class all overtime owed because Plaintiff and the Class usually worked 8 hours in a day and 40 hours in a week and thus any unpaid time was necessarily overtime.

10. Defendants failed to reimburse Plaintiff and the Class for all work-related expenses because Plaintiff and the Class were required to make out of pocket expenses, but Defendants did not

1 reimburse Plaintiff and the Class for these expenses. Defendants failed to provide Plaintiff and the
2 Class with accurate wage statements because the wage statements issued to Plaintiff and the Class
3 did not accurately list total wages owed and hours worked.

4 5 **PAGA ALLEGATIONS**

6 11. Pursuant to Labor Code section 2699(a), any provision of the Labor Code which provides
7 for a civil penalty to be assessed and collected by the Labor and Workforce Development Agency
8 (“LWDA”) for violations of the Labor Code may, as an alternative, be recovered through a civil
9 action brought by an aggrieved employee on behalf of himself or herself and other current or former
10 employees pursuant to the procedures outlined in Labor Code section 2699.3.

11 12. On January 17, 2025, Plaintiff provided written notice by online filing to the LWDA and by
12 certified mail to Defendants of the Labor Code violations.

13 13. Since it has been more than 65 days, Plaintiff may add a PAGA cause of action.

14 14. The Aggrieved Employees are defined as “All other nonexempt, hourly employees, current
15 and former, who were employed by Defendants within one year prior to January 17, 2025, through
16 final disposition of this action.”

17 18 **CLASS ACTION ALLEGATIONS**

19 15. The Class Period is defined as “Four years prior to the date of filing, through the date of
20 final disposition.”

21 16. The Class is defined as: “All current and former non-exempt workers of Defendants who
22 worked in California at any time during the Class Period.”

23 17. The Waiting Time Subclass is defined as: “All former non-exempt workers of Defendants
24 who worked in California during the Class Period and who are no longer employed by Defendants.”

25 18. There is a well-defined community of interest in the and the proposed class is ascertainable
26 from Defendants’ employment records.

- 27 a. Numerosity: The potential members of the class as defined are so numerous that
28 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' systematic course of conduct with respect to violating the Labor Code and IWC Wage Orders.
- c. Typicality: Plaintiff's claims are typical of the claims of the class. Plaintiff was subjected to the same violations and seeks the same types of damages, restitution, and other relief on the same theories and legal grounds as those of the members of the class they seek to represent, as detailed more specifically herein.
- d. Adequacy of Representation: Plaintiff will fairly and adequately represent and protect the interests of all members of the class because it is in their best interest to prosecute the claims alleged herein to obtain full compensation due to them for all unpaid wages, and other relief afforded under the Labor Code and IWC Wage Orders. Plaintiff understands the obligations as a class representative and is willing and able to fulfill them faithfully. Class counsel are competent and experienced in litigating large employment class actions and other 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 fair and efficient adjudication of this controversy. Each class member has been damaged and is entitled to recovery. Class action treatment will allow similarly-situated persons to litigate claims in the manner that is most efficient and economical for the parties and the system.
- f. Public Policy Considerations: Employers violate employment laws every day. Employees are often afraid to assert their rights out of fear of retaliation, and also fearful of bringing actions because they believe employers might damage their future endeavors through negative references and/or other means. Class actions provide the class members who are not named in the complaint with anonymity that allows for vindication of rights while protecting their privacy.

19. There are common questions of law and fact as to the class that predominate over questions affecting only individuals, including but not limited to:

- a. Whether Class Members were paid for all hours worked;
- b. Whether Class Members were paid all minimum and overtime wages owed, including proper calculation of the regular rate of pay;
- c. Whether Class Members were provided with complete and accurate wage statements;
- d. Whether Class members were willfully misclassified as independent contractors;
- e. Whether Defendants engaged in unfair competition; and
- f. The amount of damages, wages, and penalties owed to Plaintiff and the Class.

FIRST CAUSE OF ACTION

Failure to Pay for All Hours Worked

Against All Defendants

20. Plaintiff incorporates by reference the paragraphs above.

21. Labor Code sections 558 and 1194 and the Wage Orders require an employer to pay employees minimum wages for all hours worked fewer than eight hours in a day and/or fewer than 40 hours in a workweek.

22. Defendants failed to pay Plaintiff and the Class for all hours worked as alleged herein.

23. Plaintiff and the Class are therefore entitled to recover all unpaid wages, liquidated damages, interest, penalties, attorney fees, and costs.

SECOND CAUSE OF ACTION

Failure to Pay All Overtime Owed

Against All Defendants

24. Plaintiff incorporates by reference the paragraphs above.

25. Labor Code section 510 provides that any work in excess of eight hours in one workday and any work in excess of 40 hours in any one workweek and the first eight hours worked on the seventh day of work in any one workweek shall be compensated at the rate of no less than one and one-half times the regular rate of pay for an employee.

1 26. Defendants failed to pay Plaintiff and the Class all overtime wages owed as alleged herein.

2 27. Plaintiff and the Class are therefore entitled to recover all unpaid overtime wages, liquidated
3 damages, interest, attorney fees, and costs.

4
5 **THIRD CAUSE OF ACTION**

6 **Failure To Reimburse Work-Related Expenses**

7 **Against All Defendants**

8 28. Plaintiff incorporates by reference the paragraphs above.

9 29. Pursuant to Labor Code section 2802, an employer shall indemnify his or her employee for
10 all necessary expenditures or losses incurred by the employee in direct consequence of the
11 employee's discharge of his or her duties.

12 30. Defendants failed to reimburse Plaintiff and the Class for all work-related expenses.

13 31. Plaintiff and the Class are therefore entitled to reimbursement for all work-related expenses,
14 attorney fees, and costs.

15
16 **FOURTH CAUSE OF ACTION**

17 **Wage Statement Penalties**

18 **Against All Defendants**

19 32. Plaintiff incorporates by reference the paragraphs above.

20 33. Labor Code section 226(a) requires employers to provide itemized wage statements to its
21 employees that identify accurate information regarding their compensation. Defendants, as a matter
22 of policy and practice, failed in its affirmative obligation to provide any wage statements to Plaintiff
23 in violation of Labor Code section 226(a).

24 34. Plaintiff and the Class are therefore entitled to the recovery of wage statement penalties,
25 attorney fees, and costs.

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1 **FIFTH CAUSE OF ACTION**

2 **Willful Misclassification**

3 **Against All Defendants**

4 35. Plaintiff incorporates by reference the paragraphs above.

5 36. Defendants' conduct described herein constitutes willful misclassification in violation of
6 Labor Code section 226.8.

7 37. Here, Plaintiff and the Class are performing work under the control and direction of
8 Defendants.

9 38. Defendants employed Plaintiff and the Class to perform work within the usual course of
10 Defendant's business

11 39. Plaintiff and the Class are not engaged in an independently established trade.

12 40. Plaintiff and the Class were hired directly by Defendants.

13 41. Notwithstanding, Defendant misclassified Plaintiff and the Class as independent contractors
14 in violation of Labor Code section 226.8.

15 42. Defendant is liable for civil penalties of at least \$5,000 for each violation.

16
17 **SIXTH CAUSE OF ACTION**

18 **Violation of Unfair Competition Law**

19 **Against All Defendants**

20 43. Plaintiff incorporates by reference the paragraphs above.

21 44. The unlawful prong of the UCL applies, and pursuant to Business and Professions Code
22 17203, Plaintiff and the Class are entitled to restitution of all wrongfully withheld wages.

23 45. Attorney fees are recoverable pursuant to Code of Civil Procedure section 1021.5.
24

25 **SEVENTH CAUSE OF ACTION**

26 **PAGA Penalties**

27 **Against Frontline Media Solutions**

28 46. Plaintiff incorporates by reference the above paragraphs.

- 1 47. The PAGA penalties for misclassification are found in Labor Code section 226.8.
2 48. The PAGA penalties for the minimum wage violations are found in Labor Code 1197.1
3 49. The PAGA penalties for the overtime violations are found in Labor Code 558
4 50. The PAGA penalties for the unreimbursed work expenses are found in Labor Code 2699.
5 51. The PAGA penalties for the wage statement violations are found in Labor Code 226.3.
6 52. Also, Plaintiff may recover attorney fees under Labo Code section 2699(k).

7
8 **PRAYER FOR RELIEF**

9 Plaintiff and the Class pray for judgment against Defendants as follows:

10 **First Cause of Action**

- 11 1. Unpaid wages
12 2. Liquidated damages
13 3. Interest
14 4. Attorney fees
15 5. Costs
16 6. Other relief the court deems proper

17 **Second Cause of Action**

- 18 1. Unpaid wages
19 2. Interest
20 3. Attorney fees
21 4. Costs
22 5. Other relief the court deems proper

23 **Third Cause of Action**

- 24 1. Reimbursement of all work-related expenses
25 2. Attorney fees
26 3. Costs
27 4. Other relief the court deems proper

28 ///

1 Fourth Cause of Action

- 2 1. Wage statement penalties
3 2. Attorneys' fees
4 3. Costs
5 4. Other relief the court deems proper

6 Fifth Cause of Action

- 7 1. Misclassification penalties
8 2. Attorney fees
9 3. Costs
10 4. Other relief the court deems proper

11 Sixth Cause of Action

- 12 1. Restitution of all wrongfully withheld wages
13 2. Attorney fees
14 3. Costs
15 4. Other relief the court deems proper

16 Seventh Cause of Action

- 17 1. All applicable PAGA penalties
18 2. Attorney fees and costs
19 3. Other relief the court deems proper
20

21 Date: March 24, 2025

FRONTIER LAW CENTER

22
23 /s/ Adam Rose
24 Attorney for Plaintiff
25 Sharon Muniz
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