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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

LAMEISHA GEORGE, as an individual
and on behalf of all others similarly situated,

Plaintiff,

vs.

WESTWAYS STAFFING SERVICES,
INC., a California corporation; and DOES
1 through 50, inclusive,

Defendants.

Case No.: **CIV SB 2217699**

**REPRESENTATIVE ACTION COMPLAINT
FOR DAMAGES FOR:**

**(1) VIOLATION OF LABOR CODE § 2698,
ET SEQ., THE PRIVATE ATTORNEYS
GENERAL ACT**

DEMAND OVER \$25,000

Plaintiff Lameisha George ("Plaintiff") hereby submits this representative action complaint ("Complaint") against Defendant Westways Staffing Services, Inc. ("Defendant"), and Does 1-50 (hereinafter collectively referred to as "Defendants"), on behalf herself and all other

employees of Defendant for penalties pursuant to the Private Attorneys General Act, Labor Code § 2698, *et seq.* (“PAGA”), for Defendants’ violations of the California Labor Code, follows:

INTRODUCTION

1. This class action is within the Court’s jurisdiction under California Labor Code section 226 , 2698, *et seq.*, and the applicable Wage Orders of the Industrial and Welfare Commission (the “IWC”).

2. This Complaint challenges systemic illegal employment practices resulting in violations of the California Labor Code against Defendant’s employees.

3. Plaintiff is informed and believes and based thereon alleges that Defendants jointly and severally have acted intentionally and with deliberate indifference and conscious disregard to the rights of all employees by failing to provide accurate and complete wage statements to these employees.

JURISDICTION AND VENUE

4. The Court has jurisdiction over the violations of California Labor Code section 226 and 2698, *et seq.*

5. Venue is proper in San Bernardino County because Plaintiff performed work for Defendants in Colton, California.

PARTIES

6. Plaintiff began employment with Defendants in or around October 2021 as a non-exempt employee. Plaintiff worked as a Certified Nurse Assistant at various hospitals. Throughout Plaintiff’s employment, Plaintiff worked as an hourly employee.

7. Plaintiff is informed and believes and based thereon alleges that Defendant Westways Staffing Services, Inc. was and is a California corporation doing business in the State of California, including in San Bernardino County.

8. Plaintiff is informed and believes and based thereon alleges that at all times herein mentioned Defendant and Does 1 through 50 are and were business entities, individuals, and partnerships, licensed to do business and actually doing business in the State of California.

9. As such, and based upon all the facts and circumstances incident to Defendants’

business in California, Defendants are subject to Labor Code section 226 and the applicable Wage Orders.

10. Plaintiff does not know the true names or capacities, whether individual, partner, or corporate, of the Defendants sued herein as DOES 1 through 50, inclusive, and for that reason, said Defendants are sued under such fictitious names, and Plaintiff prays for leave to amend this complaint when the true names and capacities are known. Plaintiff is informed and believes and based thereon alleges that each of said fictitious Defendants was responsible in some way for the matters alleged herein and proximately caused Plaintiff and class members to be subject to the illegal employment practices, wrongs, and injuries complained of herein.

11. At all times herein mentioned, each of said Defendants participated in the doing of the acts hereinafter alleged to have been done by the named Defendants; and furthermore, the Defendants, and each of them, were the agents, servants, and employees of each of the other Defendants, as well as the agents of all Defendants, and at all times herein mentioned, were acting within the course and scope of said agency and employment.

12. Plaintiff is informed and believes and based thereon alleges that at all times material hereto, each of the Defendants named herein was the agent, employee, alter ego and/or joint venturer of, or working in concert with each of the other co-Defendants and was acting within the course and scope of such agency, employment, joint venture, or concerted activity. To the extent said acts, conduct, and omissions were perpetrated by certain Defendants, each of the remaining Defendants confirmed and ratified said acts, conduct, and omissions of the acting Defendants.

13. At all times herein mentioned, Defendants, and each of them, were members of, and engaged in, a joint venture, partnership, and common enterprise, and acting within the course and scope of, and in pursuance of, said joint venture, partnership, and common enterprise.

14. At all times herein mentioned, the acts and omissions of various Defendants, and each of them, concurred and contributed to the various acts and omissions of each and all of the other Defendants in proximately causing the injuries and damages as herein alleged. At all times herein mentioned, Defendants, and each of them, ratified each and every act or omission

1 complained of herein. At all times herein mentioned, the Defendants, and each of them, aided
2 and abetted the acts and omissions of each and all of the other Defendants in proximately causing
3 the damages as herein alleged.

4 **FIRST CAUSE OF ACTION**

5 **VIOLATION OF LABOR CODE § 2698, *ET SEQ.***

6 **(BY PLAINTIFF AND AGGRIEVED EMPLOYEES AGAINST ALL DEFENDANTS)**

7 15. Plaintiff re-alleges and incorporates by reference the preceding paragraphs as
8 though fully set forth herein.

9 16. Plaintiff brings this cause of action as a proxy for the State of California and in
10 this capacity, seeks penalties on behalf of all Aggrieved Employees in the State of California
11 from June 13, 2021, through the present, for Defendant's violations of Labor Code § 226 arising
12 from Defendants' policy and practice of failing to provide accurate itemized wage statements, in
13 violation of Labor Code § 226(a).

14 17. On or about June 13, 2022, Plaintiff sent written notice to the California Labor &
15 Workforce Development Agency ("LWDA") of Defendant's violations of Labor Code § 226,
16 pursuant to the PAGA. In addition to the LWDA, Plaintiff also sent her notice to Defendants via
17 certified mail pursuant to Labor Code § 2699.3.

18 18. As of the date of the filing of this Complaint, the LWDA has not responded to
19 Plaintiff's written notice nor indicated that it intends to investigate the Labor Code violations
20 provided for in the written notice.

21 19. As such, pursuant to Labor Code § 2699(a), Plaintiff seeks recovery of any and all
22 applicable civil penalties for Defendants' violations of Labor Code § 226, for the time period
23 described above, on behalf of herself and other Aggrieved Employees.

24 20. Labor Code section 226(a)(9) requires that employers provide accurate itemized
25 statements showing all applicable hourly rates in effect during the pay period. The wage
26 statements provided to Aggrieved Employees failed to include such information. Instead, the
27 wage statements showed the base rate of pay for overtime wages rather than one and a half times
28 the regular rate of pay.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff prays for judgment individually and all others on whose behalf
3 this suit is brought against Defendants, jointly and severally, as follows:

- 4 1. Upon the First Cause of Action, for the full amount of penalties pursuant
5 California Labor Code sections 226, 226.3, and 2698 *et seq.*, and for costs and attorneys' fees;
6 2. For such other and further relief as the Court may deem just and proper.
7

8 DATED: August 17, 2022

DIVERSITY LAW GROUP, P.C.

9
10 By: 

Larry W. Lee

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12 Kwanporn "Mai" Tulyathan

13 Attorneys for Plaintiff and the Class
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