

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: INTEGRATED PROTECTION CORP., a
(AVISO AL DEMANDADO): California corporation, and DOES 1
through 10, inclusive

YOU ARE BEING SUED BY PLAINTIFF: SAMANTHA MENDOZA, 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)

FILED
SUPERIOR COURT

2022 AUG 23 PM 2:13

BRANDON E. RILEY, CLERK

Donna Edwards
BY 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 San Joaquin
180 E. Weber Avenue
Stockton, California 95202

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: Daniel F. Gaines, Esq. #251488
(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

DATE:
(Fecha) AUG 23 2022

BRANDON E. RILEY Clerk, by
(Secretario)

Donna Edwards
Deputy
(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)).

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):

[SEAL]

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Daniel F. Gaines, Esq. SBN: 251488 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, Samantha Mendoza		FOR COURT USE ONLY FILED SUPERIOR COURT 2022 AUG 23 PM 2:13 BRANDON E. RILEY, CLERK BY <u>Donna Edwards</u> DEPUTY									
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN STREET ADDRESS: 180 E. Weber Avenue MAILING ADDRESS: 180 E. Weber Avenue CITY AND ZIP CODE: Stockton, 95202 BRANCH NAME: Stockton Courthouse		CASE NUMBER: STK-CV-110E-2022-7401									
CASE NAME: Mendoza v. Integrated Protection Corp., et al.											
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center; font-weight: bold;">CIVIL CASE COVER SHEET</td> <td colspan="2" style="text-align: center; font-weight: bold;">Complex Case Designation</td> <td rowspan="2" style="padding: 5px;"> DEPT.: </td> </tr> <tr> <td style="width: 25%; padding: 5px;"> ☒ Unlimited (Amount demanded exceeds \$25,000) </td> <td style="width: 25%; padding: 5px;"> ☐ Limited (Amount demanded is \$25,000 or less) </td> <td style="width: 25%; padding: 5px;"> ☐ Counter </td> <td style="width: 25%; padding: 5px;"> ☐ Joinder </td> </tr> </table>			CIVIL CASE COVER SHEET		Complex Case Designation		DEPT.:	☒ Unlimited (Amount demanded exceeds \$25,000)	☐ Limited (Amount demanded is \$25,000 or less)	☐ Counter	☐ Joinder
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☒ Unlimited (Amount demanded exceeds \$25,000)	☐ Limited (Amount demanded is \$25,000 or less)	☐ Counter	☐ Joinder								

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)
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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: 8/23/22

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

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FILED
SUPERIOR COURT

2022 AUG 23 PM 2: 13

BRANDON E. RILEY, CLERK

BY Donna Edwards
DEPUTY

7 Attorneys for Plaintiff Samantha Mendoza, on behalf of herself and all "aggrieved employees"
8 pursuant to Labor Code § 2698 *et seq.*

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF SAN JOAQUIN**

11 SAMANTHA MENDOZA, on behalf of
12 herself and all "aggrieved employees" pursuant
13 to Labor Code § 2698 *et seq.*,

14 Plaintiff,

15 v.

16 INTEGRATED PROTECTION CORP., a
17 California corporation, and DOES 1 through
18 10, inclusive,

19 Defendants.

CASE NO

STK-CV 010E-2022- 7401

**REPRESENTATIVE ACTION
COMPLAINT FOR PENALTIES
PURSUANT TO LABOR CODE § 2699(f)
FOR VIOLATIONS OF LABOR CODE
§§ 201, 202, 226(a), 226.7, 510, 512, 1194,
AND 2802 AND PURSUANT TO LABOR
CODE § 2699(a) FOR VIOLATIONS OF
LABOR CODE §§ 226.3 AND 558**

1 Plaintiff SAMANTHA MENDOZA (“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 INTEGRATED PROTECTION CORP., a California corporation, and/or any subsidiaries or affiliated
4 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 Plaintiff and other Aggrieved Employees all overtime wages
15 due, in violation of Labor Code §§ 510, 558, and 1194. Plaintiff and other Aggrieved
16 Employees worked in excess of eight (8) hours in a workday or in excess of forty (40) hours
17 in a workweek, but were not paid proper overtime wages of one-and-one-half times the regular
18 rate of pay. Plaintiff and other Aggrieved Employees were paid straight time wages only for
19 any overtime hours worked. In addition, Plaintiff and other Aggrieved Employees worked off-
20 the-clock: before clocking in they were required to check their aisles, secure the lockboxes,
21 approach the manager on site to let them know they were present, and check in with the
22 pharmacy. Plaintiff estimates that she had to arrive 30 minutes before her shift to perform all
23 of these tasks before clocking in. These instances violate Labor Code §§ 510, 558, and 1194
24 and IWC Wage Order 4-2001;

25 b. Failing to properly compute bonus, commission, and other non-base hourly
26 wages earned by Plaintiff and other Aggrieved Employees into their regular rate of pay for
27 purposes of paying them meal and rest period premiums and overtime wages at the correct
28 rates, in violation of Labor Code §§ 226.7, 510, 512, 558 and 1194 and IWC Wage Order No.

1 4-2001. Defendants failed to properly blend bonus, commission, and other non-base hourly
2 wages and instead paid Plaintiff and other Aggrieved Employees meal period premiums, rest
3 period premiums, and overtime wages based only on the base hourly rate of pay, thus
4 depriving Plaintiff and other Aggrieved Employees of all meal and rest period premiums and
5 overtime wages earned. This violates Labor Code §§ 226.7, 510, 512, 558 and 1194 and IWC
6 Wage Order No. 4-2001;

7 c. Failing to pay correct premium wages to Plaintiff and other Aggrieved
8 Employees who were denied rest periods, in violation of Labor Code § 226.7 and IWC Wage
9 Order No. 4-2001. Plaintiff and Aggrieved Employees were routinely unable to take a 10-
10 minute rest period for every four (4) hours of work or major fraction thereof, but were not
11 paid premium wages of one hour's pay for each missed rest period. Plaintiff alleges that there
12 was no one to cover for her, and therefore, she was almost never able to take a rest period.
13 When Aggrieved Employees were able to take a rest period, rest periods were oftentimes late,
14 cut short, or employees would be improperly prohibited from leaving Defendants' premises
15 while on their rest periods, thereby subjecting them to Defendants' control during their rest
16 periods. Finally, as discussed above, Defendants failed to pay rest period premium wages at
17 the correct rate of pay. This violates Labor Code § 226.7 and IWC Wage Order No. 4-2001;

18 d. Failing to pay correct premium wages to Plaintiff and other Aggrieved
19 Employees who were denied proper meal periods, in violation of Labor Code §§ 226.7, 512,
20 and 558 and IWC Wage Order 4-2001. Plaintiff and Aggrieved Employees were routinely
21 denied, and not authorized to take, a proper, timely, uninterrupted, 30-minute meal period for
22 every shift worked that exceeded five hours, or a second proper, timely, uninterrupted, 30-
23 minute meal period for every shift worked that exceeded ten hours, but were not paid premium
24 wages of one hour's pay for each missed first or second meal period. Plaintiff contends that
25 there was no one to cover for her, and therefore, she was almost never able to take a meal
26 period. When Aggrieved Employees were able to take a meal period, they were oftentimes
27 late, cut short, or employees would be improperly prohibited from leaving Defendants'
28

1 premises while on their meal periods, thereby subjecting them to Defendants' control during
2 their meal periods. Finally, as discussed above, Defendants failed to pay meal period premium
3 wages at the correct rate of pay. This violates Labor Code §§ 226.7, 512, and 558 and IWC
4 Wage Order 4-2001;

5 e. Failing to reimburse Plaintiff and other Aggrieved Employees for necessary
6 business expenses incurred in direct consequence of the discharge of their duties, in violation
7 of Labor Code § 2802, including, but not limited to, the use of their personal cellular phones
8 and vehicles while working for Defendants. Labor Code § 2802 states that an employer must
9 indemnify its employees for all necessary expenditures or losses incurred by the employee in
10 direct consequence of the discharge of their duties, and Defendants' failure to do so has
11 violated this section;
12

13 f. Failing to provide Plaintiff and other Aggrieved Employees with wage
14 statements that fully and accurately itemized the requirements set forth in Labor Code §
15 226(a). Plaintiff and other Aggrieved Employees were not paid all wages due, as stated above.
16 As such, the wage statements provided by Defendants failed to accurately state all gross wages
17 earned, in violation of Labor Code §§ 226(a)(1) and 226.3, total hours worked, in violation of
18 Labor Code §§ 226(a)(2) and 226.3, net wages earned, in violation of Labor Code §§ 226(a)(5)
19 and 226.3, and all applicable hourly rates in effect during the pay period and the corresponding
20 number of hours worked at each hourly rate, in violation of Labor Code §§ 226(a)(9) and
21 226.3; and
22

23 g. Failing to pay Plaintiff and other Aggrieved Employees all wages due at the
24 separation of their employment based on the time frames required by Labor Code §§ 201 and
25 202. As stated above, Plaintiff and other Aggrieved Employees were not paid all wages due
26 during the course of their employment and, as a result of this failure, they were not timely
27 paid all wages due at the separation of their employment. Furthermore, when Plaintiff was
28 terminated, she was not issued her final wages on the day of her termination—instead, she

1 was issued her final wages ten days later. Plaintiff alleges that Defendants maintain a policy
2 of untimely paying final wages to their former employees. This violates Labor Code §§ 201-
3 202 and is alleged on behalf of Plaintiff and certain Aggrieved Employees no longer employed
4 by Defendants.

5 3. Plaintiff, on behalf of herself and all Aggrieved Employees pursuant to Labor Code §
6 2698 *et seq.*, seeks civil penalties for Defendants' violations of the California Labor Code.

7 II.

8 PARTIES

9 A. Plaintiff

10 4. Plaintiff SAMANTHA MENDOZA was employed by Defendants from October 2021
11 through March 2022 as a non-exempt employee in Monterey County, California.

12 B. Defendant

13 5. Defendant INTEGRATED PROTECTION CORP. is a California corporation.
14 Defendant employed Plaintiff and Aggrieved Employees throughout the State of California, including
15 San Joaquin County, California.

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

23 7. Plaintiff is informed and believes, and based thereon alleges, that each Defendant acted
24 in all respects pertinent to this action as the agent of the other Defendant, carried out a joint scheme,
25 business plan or policy in all respects pertinent hereto, and the acts of each Defendant is legally
26 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, 226(a), 226.7, 510, 512, 1194, AND 2802 AND PURSUANT TO
LABOR CODE § 2699(a) FOR VIOLATIONS OF LABOR CODE §§ 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, 226(a), 226.7, 510, 512, 1194, and 2802; and

b. Pursuant to Labor Code § 2699(a), the civil penalties as authorized by Labor Code §§ 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 June 2, 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)

1 calendar days of June 2, 2022. Plaintiff may therefore commence this action to seek civil penalties
2 pursuant to Labor Code § 2698 *et seq.*

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

5 V.

6 **RELIEF REQUESTED**

7 WHEREFORE, Plaintiff prays for the following relief:

8 1. For civil penalties pursuant to Labor Code § 2698 *et seq.* for Plaintiff and all other
9 Aggrieved Employees;

10 2. An award providing for payment of costs of suit pursuant to Labor Code § 2699(g)(1)
11 and other applicable law;

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

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

15 Dated: August 23, 2022

Respectfully submitted,

17 GAINES & GAINES
A Professional Law Corporation

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SUPERIOR COURT OF CALIFORNIA

County of San Joaquin
180 E Weber Avenue
Stockton, CA 95202

NOTICE OF CASE ASSIGNMENT AND NOTICE OF HEARING

Case Number: **STK-CV-UOE-2022-0007401**

A Case Management Conference has been scheduled for your case as indicated below. A copy of this information must be provided with the complaint or petition, and with any cross-complaint that names a new party to the underlying action. Disregard hearing date if that date has expired.

Hearing: Case Management Conference	Date: 02/16/2023	Time: 8:45 AM Department:10B
JUDGE	COURT LOCATION	PHONE Numbers:
THIS CASE HAS BEEN ASSIGNED TO JUDGE ERIN GUY CASTILLO IN DEPARTMENT 10B FOR ALL PURPOSES, INCLUDING TRIAL	Stockton	Stockton: 209-992-5693 Lodi: 209-992-5522

[X] ADR & Scheduling Information is available on the court website @ sjcourts.org/self-help

1. You must:
 - a. **Serve** all named defendant's and file proofs of service on those defendants with the court Within 60 days of filing of the complaint. (CRC 3.110)
 - b. **File and serve** a completed Case Management Conference Statement (use of JC form CM-110 is mandatory) at least 15 days before the Case Management Conference.
 - c. **Meet and Confer**, in person or by telephone, to consider each of the issues identified in CRC 3.727 no later than 30 calendar days before the date set for the Case Management Conference. (CRC 3.724)
 - d. **Collection cases** are managed pursuant to CRC 3.740.
2. Case Management Conferences, Law and Motion and Ex Partes will be held remotely unless ordered otherwise. For telephonic appearance phone numbers, information and instructions visit @ <https://www.sjcourts.org/division/civil>.
3. If this case was eFiled, the plaintiff/petitioner or their attorney must access their copy of this notice and the issued summons for service from the court's case management system at the following link:
cms.sjcourts.org/fullcourtweb/start.do.
4. Courtesy Copies: Courtesy copies must be submitted as outlined in Local Rule 3-117. Courtesy copies (only) may be placed in the drop boxes located on the 10th and 11th floor. Courtesy copies can also be placed in the drop box located outside of the courthouse.

Visit our website @ www.sjcourts.org for more information regarding civil cases, local rules, and forms.

Date: 08/23/2022

Donna Edwards, Deputy Clerk

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