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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

PETER SOLIMAN, as an individual and on behalf
of all others similarly situated, and as a private
attorney general,

Plaintiff,

vs.

DOWNTOWN APEX MOTORS, LLC, a
California limited liability company; and DOES 1
through 50, inclusive,

Case No. 25STCV05286

**FIRST AMENDED CLASS AND
REPRESENTATIVE ACTION COMPLAINT**

- (1) Inaccurate Itemized Wage Statements
(Lab. Code § 226(a)); and**
**(2) Violations of the California Labor Code
(Lab. Code §§ 2698 et seq.)**

DEMAND OVER \$25,000.00

1 On behalf of himself and other similarly situated current and former employees of Defendants,
2 and as a proxy for the State of California, Plaintiff, Peter Soliman, submits this First Amended Class
3 and Representative Action Complaint (the “Complaint”) against Defendant, Downtown Apex Motors,
4 LLC, and Does 1 through 50 (collectively, “Defendants”).

5 INTRODUCTION

6 1. This class and representative action challenges systemic illegal employment practices
7 resulting in violations of the California Labor Code against individuals who work for Defendants. The
8 Complaint seeks penalties and other relief for Defendants’ violations of Labor Code sections 226(a),
9 226.3, and 2698 et seq.¹

10 2. Plaintiff is informed and believes that Defendants have jointly and severally acted
11 intentionally and with deliberate indifference and conscious disregard to the rights of employees.
12 Defendants routinely fail to provide a complete and accurate itemized wage statement in writing to
13 Plaintiff and other non-exempt employees. For example, for the pay period from March 1, 2024,
14 through March 15, 2024, Defendant issued a wage statement that shows total hours worked of 178.42,
15 even though Plaintiff was only paid for 3.42 hours of overtime. Plaintiff and other employees cannot
16 promptly and easily determine from the face of Defendants’ wage statements the total hours worked.
17 Defendants thus violate Section 226(a) and owe applicable penalties to Plaintiff and other employees.

18 3. Plaintiff is informed and believes that Defendants have engaged in, among other things,
19 a system of willful violations of the Labor Code by creating and maintaining policies, practices, and
20 customs that knowingly deny its employees the above stated rights and benefits.

21 JURISDICTION AND VENUE

22 4. The Complaint seeks more than \$25,000.00 in relief. The Court has jurisdiction of
23 Defendants’ violations of Section 226(a).

24 5. Venue is proper. Plaintiff worked for Defendants in La Puente, California.

25 PARTIES

26 6. Plaintiff began working for Defendants in or about September of 2023. Throughout his
27 employment, Plaintiff was paid on an hourly basis as a non-exempt employee. Plaintiff also earned

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¹ Except as otherwise noted, all “Section” references are to the Labor Code.

1 commission wages. Defendants consistently issue Plaintiff wage statements that fail to itemize the
2 accurate total hours worked. Plaintiff thus is a victim of the policies, practices, and customs of
3 Defendants complained of in this action in ways that have deprived him of the rights guaranteed by the
4 Labor Code.

5 7. Plaintiff is informed and believes that Downtown Apex Motors, LLC, was and is a
6 California limited liability company. Plaintiff is informed and believes that at all times herein
7 mentioned Defendant and Does 1 through 50, are and were corporations, business entities, individuals,
8 or partnerships that were and are licensed to do business and actually doing business in the State of
9 California. The facts and circumstances of Defendants' business subject Defendants to Section 226(a).

10 8. Plaintiff does not know the true names or capacities of the defendants sued as Does 1
11 through 50, whether individual, partner, or corporate, and thus sues them under such fictitious names.
12 Plaintiff prays for leave to amend this Complaint when the true names and capacities are known.
13 Plaintiff is informed and believes that each of said fictitious defendants was responsible in some way
14 for the matters alleged herein and proximately caused the illegal employment practices, wrongs, and
15 injuries complained of herein.

16 9. At all times herein mentioned, each of said Defendants participated in the doing of the
17 acts alleged herein. Defendants, and each of them, were the agents, servants, or employees of each of
18 the other Defendants, as well as the agents of all Defendants, and were acting within the course and
19 scope of said agency and employment.

20 10. Plaintiff is informed and believes that at all times material hereto, each of said
21 Defendants was the agent, employee, alter ego, or joint venturer of, or was working in concert with,
22 each of the other Defendants and was acting within the course and scope of such agency, employment,
23 joint venture, or concerted activity. To the extent said acts, conduct, or omissions were perpetrated by
24 certain Defendants, each of the remaining Defendants confirmed and ratified said acts, conduct, or
25 omissions of the acting Defendants.

26 11. Plaintiff is informed and believes that at all times material hereto each of the Defendants
27 (i) aided and abetted the acts and omissions of each of the other Defendants in proximately causing the
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1 alleged harms, or (ii) were members of, engaged in, and acting within the course and scope of, and in
2 pursuance of, a joint venture, partnership, or common enterprise.

3 CLASS ACTION ALLEGATIONS

4 12. **Definition:** Pursuant to Code of Civil Procedure section 382. Plaintiff seeks class
5 certification of the following class and subclass: (i) all current and former non-exempt employees of
6 Defendants in the State of California who were paid wages at any time since February 25, 2024 (the
7 “Class”), and (ii) all current and former non-exempt employees of Defendants in the State of California
8 who were paid commission wages at any time since February 25, 2024 (the “Sub-Class”).

9 13. **Numerosity and Ascertainability:** The members of the Class are so numerous that
10 joinder of all members would be impractical, if not impossible. The identities of the members of the
11 Class are readily ascertainable by review of Defendants’ records, including payroll records. Plaintiff is
12 informed and believes that whenever non-exempt employees in California are paid wages Defendants
13 violate Section 226(a) by failing to provide complete and accurate itemized wage statements that show
14 the actual total hours worked.

15 14. **Adequacy of Representation:** Plaintiff is fully prepared to take all necessary steps to
16 represent fairly and adequately the interests of the Class defined above. Plaintiff’s attorneys are ready,
17 willing, and able to fully and adequately represent Plaintiff and the Class. Plaintiff’s attorneys have
18 prosecuted and settled wage-and-hour class actions in the past and continue to litigate numerous wage-
19 and-hour class actions currently pending in California state and federal courts.

20 15. **Common Question of Law and Fact:** There are predominant common questions of law
21 and fact and a community of interest amongst the claims of Plaintiff and of the Class. Plaintiff is
22 informed and believes that Defendants uniformly administer a corporate policy and practice of
23 routinely failing to provide complete and accurate itemized wage statements that show the actual total
24 hours worked.

25 16. **Typicality:** The claims of Plaintiff are typical of the claims of all members of the Class
26 in that Plaintiff suffered the alleged harms in a similar and typical manner as other members of the
27 Class suffered. As with other members of the Class, Plaintiff was paid on an hourly basis. Whenever
28 wages have been paid during his employment, Defendants have consistently issued Plaintiff wage

1 statements that show the accurate total hours worked. Plaintiff thus is a member of the Class and has
2 suffered the alleged violations of the Labor Code.

3 17. The Labor Code is broadly remedial in nature. Its laws serve an important public interest
4 in establishing minimum working conditions and requirements in California. These labor standards
5 protect employees from onerous terms and conditions of employment or exploitation by employers who
6 have superior economic and bargaining power.

7 18. The nature of this action and the format of laws available to Plaintiff and members of the
8 Class make the class action format a particularly efficient and appropriate procedure to redress the
9 wrongs alleged herein. If each employee were required to file an individual lawsuit, the corporate
10 Defendants would necessarily gain an unconscionable advantage since they would be able to exploit
11 and overwhelm the limited resources of each individual plaintiff with their vastly superior financial and
12 legal resources. Requiring each member of the Class to pursue an individual remedy would also
13 discourage the assertion of lawful claims by employees who would be disinclined to file an action
14 against their former or current employer for real and justifiable fear of retaliation and permanent
15 damage to their careers at their current or subsequent employment.

16 19. The prosecution of separate actions by individual members of the Class, even if
17 possible, would create a substantial risk of (a) inconsistent or varying adjudications with respect to
18 individual members of the Class that would establish potentially incompatible standards of conduct for
19 Defendants, or (b) adjudications with respect to individual members of the Class that would, as a
20 practical matter, be dispositive of, or substantially impair or impede the ability to protect, the interests
21 of other members of the Class not parties to the adjudications. Further, the claims of the individual
22 members of the Class are not sufficiently large to warrant vigorous individual prosecution considering
23 the concomitant costs and expenses.

24 20. Defendants' pattern, practice, and uniform administration of corporate policy in
25 violation of the Labor Code is unlawful. Proof of a common business practice or factual pattern will
26 establish the rights of Plaintiff and the Class under Section 226, the applicable IWC Wage Order, and
27 Code of Civil Procedure section 1021.5 to recover applicable penalties, reasonable attorneys' fees, and
28 costs of suit.

1 **FIRST CAUSE OF ACTION**

2 **Violation of Labor Code § 226(a)**

3 **(By Plaintiff and the Class Against All Defendants)**

4 21. The preceding paragraphs are re-alleged and incorporated by this reference.

5 22. Section 226(a) requires employers to provide itemized wage statements to its employees
6 that show accurate information, including without limitation, the total hours worked. Whenever
7 Defendants pay wages to Plaintiff and the Class, Defendants fail to provide complete and accurate
8 itemized wage statements, in violation of Section 226(a).

9 23. As a matter of policy and practice, Defendants routinely fail to provide complete and
10 accurate itemized wage statements to Plaintiff and the Class. Specifically, whenever wages are paid,
11 Defendants issue wage statements to Plaintiff and the Class that fail to itemize the accurate total hours
12 worked and instead show total hours worked that do not equal the actual total hours worked. Plaintiff
13 and other employees cannot promptly and easily determine from the face of Defendants' wage
14 statements the total hours worked. Defendants thus violate Section 226(a) and owe applicable penalties
15 to Plaintiff and other employees.

16 24. Such a pattern, practice, and uniform administration of corporate policy is unlawful
17 under Section 226 and entitles Plaintiff and the Class to recover applicable penalties, attorneys' fees,
18 and costs of suit.

19 **SECOND CAUSE OF ACTION**

20 **Violations of California Labor Code (Lab. Code §§ 2698 et seq.)**

21 **(By Plaintiff as a Proxy for the State Against All Defendants)**

22 25. The preceding paragraphs are re-alleged and incorporated by this reference.

23 26. Pursuant to the Labor Code Private Attorneys General Act of 2004, Labor Code §§
24 2698 et seq. ("PAGA"), Plaintiff brings this cause of action as a proxy for the State of California. In
25 this capacity, Plaintiff seeks penalties for Defendants' violations of Section 226(a) committed since
26 February 24, 2025, against all aggrieved employees. As stated herein, Defendants fail to provide
27 complete and accurate itemized wage statements. Under Section 2699(c), Plaintiff is an "aggrieved
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employee,” as one or more of the alleged violations was committed against Plaintiff as an employee of Defendants.

27. On or about February 24, 2025, Plaintiff sent written notice to the Labor & Workforce Development Agency (“LWDA”) of specific facts and theories for Defendants’ above violations. Plaintiff simultaneously sent written notice to Defendants via certified mail. As of the date of the filing of this Complaint, the LWDA has neither responded nor indicated that it intends to investigate the allegations in the written notice.

28. As such, pursuant to Section 2699(a), (f), and (g), Plaintiff seeks recovery of all applicable penalties pursuant to Section 2699(a), (f), and (g) for Defendants’ violations against all aggrieved employees for the period described above.

PRAYER FOR RELIEF

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

1. For an order certifying the proposed Class;
2. For an order appointing Plaintiff as the representative of the Class;
3. For an order appointing Counsel for Plaintiff as Class Counsel;
4. Upon the First Cause of Action for penalties pursuant to Section 226, and for costs and attorneys’ fees;
5. Upon the Second Cause of Action for penalties pursuant to Section 2699(a), (f), and (g), and for attorneys’ fees and costs;
6. Upon each cause of action for attorneys’ fees and costs as provided by Sections 226 and 2699, and Code of Civil Procedure section 1021.5; and
7. For such other and further relief that the Court may deem just and proper.

DATED: May 1, 2025

DIVERSITY LAW GROUP, P.C.

By: 

Larry W. Lee
Simon L. Yang
Attorneys for Plaintiff

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STATE OF CALIFORNIA]
]ss.
COUNTY OF LOS ANGELES]

On May 1, 2025, I served the following document(s) described as: **FIRST AMENDED CLASS AND REPRESENTATIVE ACTION COMPLAINT** on the interested parties in this action as follows:

 X BY MAIL: by placing the original or X a true and correct copy thereof enclosed, in (a) sealed envelope(s) addressed to the party(ies) listed above or on the attached mailing list. I am readily familiar with the firm's practice for collection and processing of correspondence and other materials for mailing with the United States Postal Service. On this date, I sealed the envelope(s) containing the above materials and placed the envelope(s) for collection and mailing on this date at the address above following our office's ordinary business practices. The envelope(s) will be deposited with the United States Postal Service on this date, in the ordinary course of business.


Erika Mejia