

1 Adam Rose (210880)
adam@frontierlawcenter.com
2 Manny Starr (319778)
manny@frontierlawcenter.com
3 **FRONTIER LAW CENTER**
23901 Calabasas Road, Suite 1084
4 Calabasas, CA 91302
5 Telephone: (818) 914-3433
Facsimile: (818) 914-3433

6 Attorneys for Plaintiff
7 Milan PatriciaPatterson-Tay

8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF SAN MATEO**

10 MILAN PATRICIA PATTERSON-TAY,
11 individually and on behalf of all others similarly
12 situated,

13 Plaintiff,

14 v.

15 FLEETCOR TECHNOLOGIES OPERATING
16 CO LLC - CORPAY, CORPAY
17 TECHNOLOGIES OPERATING COMPANY,
LLC, and DOES 1 to 100,

18 Defendants.

Case No. 25-CIV-02127
CLASS ACTION

FIRST AMENDED COMPLAINT

1. **Failure to Provide Compliant Meal Breaks**
2. **Failure to Provide Complaint Rest Breaks**
3. **Failure to Pay All Hours Worked**
4. **Failure to Pay All Overtime Owed**
5. **Wage Statement Violation**
6. **Waiting Time Penalties**
7. **Violation of Unfair Competition**
8. **PAGA Penalties**

19
20 **PARTIES**

- 21 1. Plaintiff Milan Patricia Patterson-Tay ("Plaintiff") is a resident of Marin County.
- 22 2. Defendants Fleetcor Technologies Operating Co LLC - Corpay, and Corpay Technologies
23 Operating Company, LLC ("Defendants") are a Georgia limited liability company and Delaware
24 limited liability company, respectively, with their principal places of business in Norcross, Georgia
25 and Covington, Louisiana.
- 26 3. Plaintiff is unaware of the true names or capacities of Does 1 to 100 and therefore uses
27 therefore fictitious names. Plaintiff will amend the Complaint to insert the true names and capacities
28

Electronically
FILED

by Superior Court of California, County of San Mateo

ON

4/25/2025

By /s/ Haley Correa
Deputy Clerk

1 of the Doe Defendants when the information is obtained. Plaintiff is informed and believes, and
2 based on such information and belief alleges, that each of the fictitiously named Doe Defendants
3 has participated in some way in the wrongful acts and omissions alleged below, and is liable to
4 Plaintiff for damages and other relief to which Plaintiff is entitled. Defendant and Doe Defendants
5 are collectively referred to as “Defendants”.

6
7 **FACTUAL ALLEGATIONS**

8 4. Plaintiff and the Class Members are Defendants’ current and former employees.

9 5. Plaintiff and the Class Members were misclassified as exempt and therefore not paid all
10 wages owed, and not provided compliant meal and rest breaks.

11 6. Defendants failed to provide Plaintiff and the Class Members with compliant meal breaks
12 because meal breaks were regularly missed or short. Despite not being provided with compliant
13 meal breaks, Defendant did not pay premium pay for missed breaks at Plaintiff and the Class
14 Members’ regular rate of pay.

15 7. Defendant failed to provide Plaintiff and the Class with compliant rest breaks because rest
16 breaks were not provided. Despite not being provided with compliant rest breaks, Defendant did not
17 pay premium pay for these missed breaks at Plaintiff and the Class Members’ regular rate of pay.

18 8. Defendants failed to pay Plaintiff and the Class for all hours worked because Defendants did
19 not have a formal time keeping system to track actual hours worked. Further, the Plaintiff and the
20 Class were required to work through breaks without pay.

21 9. Defendants failed to pay Plaintiff and the Class all overtime owed because they regularly
22 worked in excess of eight hours in a day and 40 hours in a workweek.

23 10. Defendants failed to provide Plaintiff and the Class with accurate wage statements because
24 the wage statements did not accurately list total wages owed and hours worked, among other things.

25 11. Due to Defendants’ failure to pay all wages due to Plaintiff and the Class during their
26 employment, it follows that Defendant failed to pay all wages due at the conclusion of employment
27 as well. Therefore, Defendants are liable for waiting time penalties.

28 ///

1 **PAGA ALLEGATIONS**

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

7 13. On February 7, 2025, Plaintiff provided written notice by online filing to the LWDA and by
8 certified mail to Defendants of the provisions of the Labor Code that were violated by Defendants.

9 14. Since it has been more than 65 days, Plaintiff may now request PAGA penalties.

10 15. The Aggrieved Employees are defined as “All employees who were misclassified as exempt,
11 who were employed by Defendants within one year prior to February 7, 2025, through final
12 disposition of this action.”

13
14 **CLASS ACTION ALLEGATIONS**

15 16. The Class is defined as: “All current and former misclassified as exempt employees of
16 Defendants who worked at any time during the Class Period.”

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

19 a. Numerosity: The members of the class as defined are so numerous that joinder of all
20 class members is impracticable.

21 b. Commonality: This action involves common questions of law and fact because the
22 action focuses on a systematic course of conduct with respect to the Labor Code and IWC
23 Wage Orders.

24 c. Typicality: Plaintiff’s claims are typical of the claims of the class. Plaintiff was
25 subjected to the same violations and seeks the same types of damages, restitution, and other
26 relief on the same theories and legal grounds.

27 d. Adequacy of Representation: Plaintiff will fairly and adequately represent and
28 protect the interests of all members of the class. Plaintiff understands the obligations as a

1 class representative and is willing and able to fulfill them faithfully. Class counsel are
2 competent and experienced in litigating large employment class actions and other complex
3 litigation matters.

4 e. Superiority of Class Action: A class action is superior to other available means for
5 this controversy. Class action treatment will allow similarly-situated persons to litigate their
6 claims in the manner that is most efficient and economical.

7 f. Public Policy Considerations: Employers violate employment laws every day.
8 Employees are often afraid to assert their rights out of fear of retaliation, and fearful of
9 bringing actions because they believe employers might damage their future endeavors
10 through negative references and/or other means. Class actions provide the class members
11 who are not named in the complaint with anonymity that allows for vindication of rights
12 while protecting their privacy.

13 18. There are common questions of law and fact that predominate over questions affecting only
14 individuals, including but not limited to:

- 15 a. Whether Class Members were paid for all hours worked;
- 16 b. Whether the Class Members were misclassified as exempt;
- 17 c. Whether Class Members were paid all minimum and overtime wages owed,
18 including proper calculation of the regular rate of pay;
- 19 d. Whether Class Members were provided with compliant meal breaks or premium pay
20 in lieu thereof;
- 21 e. Whether Class Members were provided with compliant rest breaks or premium pay
22 in lieu thereof;
- 23 f. Whether Class Members were properly reimbursed for all work-related expenses;
- 24 g. Whether Class Members were provided with accurate wage statements;
- 25 h. Whether Class Members are owed waiting time penalties related to timeliness of
26 pay;
- 27 i. Whether Defendants engaged in unfair competition; and
- 28 j. The amount of damages, wages, and penalties owed to Plaintiff and the Class.

1 **FIRST CAUSE OF ACTION**

2 **Failure to Provide Compliant Meal Periods**

3 **Against All Defendants**

4 19. Plaintiff incorporates by reference the paragraphs above.

5 20. Labor Code section 512 and the Wage Orders provide that an employer shall not employ an
6 employee for a work period of more than five hours per day without providing the employee with a
7 meal period of not less than 30 minutes or for a work period of more than 10 hours per day without
8 providing the employee with a second meal period of not less than 30 minutes.

9 21. An employer provides compliant meal breaks to its employees if it relieves its employees of
10 all duty, relinquishes control over their activities and permits them a reasonable opportunity to take
11 an uninterrupted 30-minute break.

12 22. Not only must an employer affirmatively relieve its employees of all duty during their meal
13 breaks, it also must not impede or discourage its employees from taking compliant meal breaks.

14 23. Defendants failed to provide Plaintiff and the Class with compliant meal breaks, based on
15 the misclassification as exempt.

16 24. For each day that Defendants failed to provide Plaintiff and the Class with compliant meal
17 breaks, Defendants were required to remit premium pay pursuant to Labor Code section 226.7(c),
18 which is one additional hour of pay at the regular rate of pay.

19 25. Defendants failed to pay premium pay at Plaintiff and the Class' regular rate of pay for each
20 day a meal break was missed.

21 26. Plaintiff and the Class are therefore entitled to recover premium pay for missed meal breaks,
22 interest, attorney fees, and costs.

23
24 **SECOND CAUSE OF ACTION**

25 **Failure to Provide Compliant Rest Periods**

26 **Against All Defendants**

27 27. Plaintiff incorporates by reference the paragraphs above.
28

1 28. Labor Code section 226.7 and the Wage Orders requires employers to authorize and permit
2 its employees to take rest periods based on the total hours worked daily at the rate of 10 minutes net
3 per four hours or major fraction thereof.

4 29. Furthermore, during rest periods employers must relieve employees of all duties and
5 relinquish control over how employees spend their time.

6 30. Defendants failed to provide Plaintiff and the Class with compliant rest breaks since they
7 were misclassified as exempt.

8 31. For each day that Defendants failed to provide Plaintiff and the Class with a compliant rest
9 breaks, Defendants were required to remit premium pay pursuant to Labor Code section 226.7(c),
10 which is one additional hour of pay at the regular rate of pay.

11 32. Defendants failed to pay premium pay at the regular rate of pay for each day a rest break
12 was missed.

13 33. Plaintiff and the Class are therefore entitled to recover premium pay for missed rest breaks,
14 interest, attorney fees, and costs.

15
16 **THIRD CAUSE OF ACTION**

17 **Failure to Pay for All Hours Worked**

18 **Against All Defendants**

19 34. Plaintiff incorporates by reference the paragraphs above.

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

23 36. Defendants failed to pay Plaintiff and the Class for all hours worked since they were
24 misclassified as exempt

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

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FOURTH CAUSE OF ACTION

Failure to Pay All Overtime Owed

Against All Defendants

38. Plaintiff incorporates by reference the paragraphs above.

39. 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.

40. Defendants failed to pay Plaintiff and the Class all overtime wages since they were misclassified as exempt.

41. Plaintiff may recover all unpaid overtime wages, interest, attorney fees, and costs.

FIFTH CAUSE OF ACTION

Wage Statement Penalties

Against All Defendants

42. Plaintiff incorporates by reference the paragraphs above.

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

44. Defendants knowingly and intentionally issued wage statements that were inaccurate.

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

SIXTH CAUSE OF ACTION

Waiting Time Penalties

Against All Defendants

46. Plaintiff incorporates by reference the paragraphs above.

1 47. Labor Code sections 201 and 202 require that an employer provide an employee with all
2 wages due and payable either: (a) immediately upon termination, or (b) within 3 days of the
3 employee's resignation.

4 48. Labor Code section 203 provides if an employer willfully fails to pay wages when the
5 employee stops working, then the wages of the employee continue as a penalty from the due date at
6 the same rate until paid or until an action is commenced, not to exceed thirty days.

7 49. As alleged herein, Defendants willfully did not pay Plaintiff and the Class all wages owed at
8 the conclusion of employment.

9 50. Plaintiff and the Class Members who no longer work for Defendants are therefore entitled to
10 the recovery of waiting time penalties, interest, attorney fees, and costs.

11
12 **SEVENTH CAUSE OF ACTION**

13 **Violation of the Unfair Competition Law**

14 **Against All Defendants**

15 51. Plaintiff incorporates by reference the paragraphs above.

16 52. Defendants' conduct violates the unlawful prong of the Unfair Competition Law.

17 53. Pursuant to Business and Professions Code 17203, Plaintiff and the Class are entitled to
18 restitution of all wrongfully withheld wages.

19 54. There are attorney fees pursuant to Code of Civil Procedure section 1021.5.

20
21 **EIGHTH CAUSE OF ACTION**

22 **PAGA Penalties**

23 **Against All Defendants**

24 55. Plaintiff incorporates the above paragraphs.

25 56. The PAGA penalties relate to the following: 1) minimum wage violations, 2) overtime
26 violations, 3) meal break violations, 4) rest break violations, 5) wage statement violations, 6)
27 waiting time penalties, and 7) misclassification as exempt.

28 57. As stated above, Plaintiff complied with the notice requirement of Labor Code 2699.3.

- 1 58. The PAGA penalties for the minimum wage violations are contained in Labor Code 1197.1.
2 59. The PAGA penalties for the overtime violations are contained in Labor Code 558.
3 60. The PAGA penalties for the meal break violations are contained in Labor Code 558.
4 61. The PAGA penalties for the rest breaks violations are contained in Labor Code 2699.
5 62. The PAGA penalties for the wage statement violations are contained in Labor Code 226.3.
6 63. The PAGA penalties for the waiting time violations are contained in Labor Code 210.
7 64. The PAGA penalties for the misclassification are contained in Labor Code 558.
8 65. Also, statutory attorney fees apply under Labor Code section 2699.
9

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff for judgment against Defendants as follows:

12 First Cause of Action

- 13 1. Premium pay
14 2. Interest
15 3. Attorney fees
16 4. Costs
17 5. Other relief the court deems proper
18

19 Second Cause of Action

- 20 1. Premium Pay
21 2. Interest
22 3. Attorney fees
23 4. Costs
24 5. Other relief the court deems proper
25

26 Third Cause of Action

- 27 1. Reimbursement of unpaid wages
28 2. Liquidated damages

- 1 3. Interest
2 4. Attorney fees
3 5. Costs
4 6. Other relief the court deems proper
5

6 Fourth Cause of Action

- 7 1. Reimbursement of unpaid overtime
8 2. Interest
9 3. Attorney fees
10 4. Costs
11 5. Other relief the court deems proper
12

13 Fifth Cause of Action

- 14 1. Wage statement penalties
15 2. Attorney fees
16 3. Costs
17 4. Other relief the court deems proper
18

19 Sixth Cause of Action

- 20 1. Waiting time penalties
21

22 Seventh Cause of Action

- 23 1. Restitution of all wrongfully withheld wages
24 2. Attorney fees
25 3. Costs
26 4. Other relief the court deems proper

27 ///

28 ///

1 Eighth Cause of Action

- 2 1. All applicable PAGA penalties
3 2. Attorney fees and costs
4 3. Other relief the court deems proper
5

6 Date: April 25, 2025

FRONTIER LAW CENTER

7
8 /s/ Adam Rose
9 Attorney for Plaintiff
Milan Patricia Patterson-Tay
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28