

SUMMONS (CITACION JUDICIAL)

**NOTICE TO DEFENDANT: PASCHEN MANAGEMENT CORPORATION, a
(AVISO AL DEMANDADO):** California corporation, and DOES 1
through 10, inclusive

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)
**VENTURA
SUPERIOR COURT
FILED**

SEP 26 2022

BRENDA L. MCCORMICK
Executive Officer and Clerk

By: _____ Deputy
Hannah Cressy

**YOU ARE BEING SUED BY PLAINTIFF: ROSALBA RIOS, JUAN SOSA, FENIX
(LO ESTÁ DEMANDANDO EL DEMANDANTE):** VALLE, on behalf of
themselves and all "aggrieved employees" pursuant to Labor Code
§ 2698 et seq.

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 Ventura

800 South Victoria Avenue

Ventura, California 93009

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

818-703-8985

DATE: **SEP 26 2022**

(Fecha)

Clerk, by

Hannah Cressy

, Deputy

Brenda L. McCormick

(Secretario)

(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 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ other (specify):

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (authorized person)

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, Rosalba Rios

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA

STREET ADDRESS: 800 South Victoria Avenue

MAILING ADDRESS: 800 South Victoria Avenue

CITY AND ZIP CODE: Ventura, 93009

BRANCH NAME: Ventura Hall of Justice

CASE NAME: Rios v. Paschen Management Corporation, et al.

FOR COURT USE ONLY

**VENTURA
SUPERIOR COURT
FILED**

SEP 26 2022

BRENDA L. McCORMICK
Executive Officer and Clerk
By: _____, Deputy

Hannah Cressy

CIVIL CASE COVER SHEET

☒ **Unlimited**

(Amount
demanded
exceeds \$25,000)

☐ **Limited**

(Amount
demanded is
\$25,000 or less)

Complex Case Designation

☐ Counter

☐ Joinder

Filed with first appearance by defendant
(Cal. Rules of Court, rule 3.402)

CASE NUMBER:

56-2022-00570446-CU-OE-VTA

JUDGE:

DEPT.:

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)

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: 9/22/55

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

SEP 26 2022

BRENDA L. McCORMICK
Executive Officer and Clerk
By: _____, Deputy

Hannah Cressy

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Attorneys for Plaintiffs Rosalba Rios, Juan Sosa, and Fenix Valle, on behalf of themselves and all
"aggrieved employees" pursuant to Labor Code § 2698 *et seq.*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA**

ROSALBA RIOS, JUAN SOSA, FENIX
VALLE, on behalf of themselves and all
"aggrieved employees" pursuant to Labor
Code § 2698 *et seq.*,

Plaintiffs,

v.

PASCHEN MANAGEMENT
CORPORATION, a California corporation,
and DOES 1 through 10, inclusive,

Defendants.

CASE NO: 56-2022-00570446-CU-OE-VTA

**REPRESENTATIVE ACTION
COMPLAINT FOR PENALTIES
PURSUANT TO LABOR CODE § 2699(f)
FOR VIOLATIONS OF LABOR CODE
§§ 201, 202, 226(a), 226.7, 246, 510, 512,
AND 1194 AND PURSUANT TO LABOR
CODE § 2699(a) FOR VIOLATIONS OF
LABOR CODE §§ 226.3 AND 558**

B. T. Rios

1 Plaintiffs ROSALBA RIOS, JUAN SOSA, and FENIX VALLE (collectively, “Plaintiffs”),
2 on behalf of themselves and others as “aggrieved employees” under the Labor Code Private Attorneys
3 General Act of 2004, complain of PASCHEN MANAGEMENT CORPORATION, a California
4 corporation, and/or any subsidiaries or affiliated companies (hereinafter referred to as “Defendants”),
5 as follows:

6 **I.**

7 **INTRODUCTION AND FACTUAL BACKGROUND**

8 1. This is a Representative Action, pursuant to Labor Code § 2698 *et seq.*, on behalf of
9 Plaintiffs and other California employees who currently work or formerly worked for Defendants
10 (“Aggrieved Employees”).

11 2. For at least one (1) year prior to the filing of this action and at least one (1) year prior
12 to the date Plaintiffs began the process of exhausting the administrative requirements, pursuant to
13 Labor Code § 2698 *et seq.*, and continuing to the present (the “liability period”), Defendants have had
14 consistent policies of:

15 a. Failing to pay all minimum and overtime wages earned during the course of
16 employment, in violation of Labor Code §§ 510, 558, and 1194. Plaintiffs and Aggrieved Employees
17 are required to work off-the-clock, without compensation: they are not paid for time spent on pre-
18 shift and post-shift activities. This policy and practice deprives Plaintiffs and Aggrieved Employees
19 of wages due for significant hours worked. These failures to pay all minimum and overtime wages
20 due constitute violations of Labor Code §§ 510, 558, and 1194;

21 b. Failing to properly compute bonuses earned by Plaintiffs and Aggrieved
22 Employees into their regular rate of pay for purposes of paying them meal and rest period premiums,
23 overtime wages, and sick pay at the correct rates, in violation of Labor Code §§ 246(k), 226.7, 510,
24 512, 558 and 1194 and IWC Wage Order No. 5-2001. Defendants fail to properly blend bonuses and
25 instead paid Plaintiffs and Aggrieved Employees meal period premiums, rest period premiums,
26 overtime wages, and sick pay based only on the base hourly rate of pay, thus depriving Plaintiffs and
27 Aggrieved Employees of all meal and rest period premiums, overtime wages, and sick pay earned.

1 This violates Labor Code §§ 246(k), 226.7, 510, 512, 558 and 1194 and IWC Wage Order No. 5-
2 2001;

3 c. Failing to pay correct premium wages to Plaintiffs and other Aggrieved
4 Employees who are denied rest periods, in violation of Labor Code § 226.7 and IWC Wage Order
5 No. 5-2001. Plaintiffs and Aggrieved Employees are routinely unable to take a 10-minute, off-duty
6 rest period for every four (4) hours of work or major fraction thereof, but are not paid premium wages
7 of one hour's pay for each missed rest period. As discussed above, Defendants fail to pay rest period
8 premium wages at the correct rate of pay. This violates Labor Code § 226.7 and IWC Wage Order
9 No. 5-2001;

10 d. Failing to pay correct premium wages to Plaintiffs and Aggrieved Employees
11 who are denied proper meal periods, in violation of Labor Code §§ 226.7, 512, and 558 and IWC
12 Wage Order 5-2001. Plaintiffs and Aggrieved Employees are routinely denied, and not authorized to
13 take, a proper, timely, uninterrupted, 30-minute meal period for every shift worked that exceeded five
14 hours, or a second proper, timely, uninterrupted, 30-minute meal period for every shift worked that
15 exceeded ten hours, but are not paid premium wages of one hour's pay for each missed first or second
16 meal period. As discussed above, Defendants fail to pay meal period premium wages at the correct
17 rate of pay. These instances violate Labor Code §§ 226.7, 512, and 558 and IWC Wage Order 5-2001;

18 e. Failing to provide Plaintiffs and other Aggrieved Employees with wage
19 statements that fully and accurately itemize the requirements set forth in Labor Code § 226(a).
20 Plaintiffs and other Aggrieved Employees are not paid all wages due, as stated above. As such, the
21 wage statements provided by Defendants failed to accurately state all gross wages earned, in violation
22 of Labor Code §§ 226(a)(1) and 226.3, total hours worked, in violation of Labor Code §§ 226(a)(2)
23 and 226.3, net wages earned, in violation of Labor Code §§ 226(a)(5) and 226.3, and all applicable
24 hourly rates in effect during the pay period and the corresponding number of hours worked at each
25 hourly rate, in violation of Labor Code §§ 226(a)(9) and 226.3. Separately, and independent of the
26 above allegations, the wage statements issued to Plaintiffs and Aggrieved Employees fail to set forth
27 all applicable hourly rates in effect during the pay period and the corresponding number of hours
28

1 worked at each hourly rate, in violation of Labor Code §§ 226(a)(9) and 226.3—the wage statements
2 simply omit all applicable rates of pay; and

3 f. Failing to pay Plaintiff Valle and certain Aggrieved Employees all wages due
4 at the separation of their employment based on the time frames required by Labor Code §§ 201 and
5 202. As stated above, Plaintiff Valle and Aggrieved Employees were not paid all wages due during
6 the course of their employment and, as a result of this failure, they were not timely paid all wages due
7 at the separation of their employment. This violates Labor Code §§ 201-202 and is alleged on behalf
8 of Plaintiff Valle and Aggrieved Employees no longer employed by Defendants.

9 3. Plaintiffs, on behalf of themselves and all Aggrieved Employees pursuant to Labor
10 Code § 2698 *et seq.*, seek civil penalties for Defendants' violations of the California Labor Code.

11 4. Venue is proper in this judicial district, pursuant to Code of Civil Procedure § 395.
12 The Labor Code violations alleged against Defendants herein arose throughout the State of California,
13 including Ventura County.

14 II.

15 PARTIES

16 A. Plaintiffs

17 5. Plaintiff ROSALBA RIOS has been employed by Defendants since August 2003 as a
18 non-exempt employee in Ventura County, California.

19 6. Plaintiff FENIX VALLE was employed by Defendants from May 2018 through May
20 2022 as a non-exempt employee in Ventura County, California.

21 7. Plaintiff JUAN SOSA has been employed by Defendants since 2008 as a non-exempt
22 employee in Ventura County, California.

23 B. Defendant

24 9. Defendant PASCHEN MANAGEMENT CORPORATION is a California corporation
25 that employed Plaintiffs and Aggrieved Employees in Ventura County, California.

26 10. The true names and capacities, whether individual, corporate, associate, or otherwise,
27 of Defendants sued herein as DOES 1 to 10, inclusive, are currently unknown to Plaintiff, who
28 therefore sues Defendants by such fictitious names under Code of Civil Procedure § 474. Plaintiffs

1 are informed and believe, and based thereon allege, that each of the Defendants designated herein as
2 a DOE is legally responsible in some manner for the unlawful acts referred to herein. Plaintiffs will
3 seek leave of court to amend this Complaint to reflect the true names and capacities of the Defendants
4 designated hereinafter as DOES when such identities become known.

5 11. Plaintiffs are informed and believe, and based thereon allege, that each Defendant
6 acted in all respects pertinent to this action as the agent of the other Defendants, carried out a joint
7 scheme, business plan or policy in all respects pertinent hereto, and the acts of each Defendant is
8 legally attributable to the other Defendants.

9 12. The Defendants named herein as DOE 1 through DOE 10 are and were persons acting
10 on behalf of, or acting jointly with, Defendants, who violated, or caused to be violated, one or more
11 provisions of the California Labor Code as alleged herein.

12 III.

13 CAUSES OF ACTION

14 FIRST CAUSE OF ACTION

15 **PLAINTIFFS AND ALL AGGRIEVED EMPLOYEES AGAINST ALL DEFENDANTS**
16 **CIVIL PENALTIES PURSUANT TO LABOR CODE § 2699(f) FOR VIOLATIONS OF**
17 **LABOR CODE §§ 201, 202, 226(a), 226.7, 246, 510, 512, AND 1194 AND PURSUANT TO**
18 **LABOR CODE § 2699(a) FOR VIOLATIONS OF LABOR CODE §§ 226.3 AND 558**

19 13. Plaintiffs incorporate paragraphs 1 through 9 of this Complaint as though fully set
20 forth herein.

21 14. As a result of the acts alleged above, including the Labor Code violations set forth in
22 paragraph 2 above, Plaintiffs seek civil penalties pursuant to Labor Code §§ 2698 *et seq.*

23 15. For each such violation, Plaintiffs and all other Aggrieved Employees are entitled to
24 civil penalties subject to the following formula:

- 25 a. Pursuant to Labor Code § 2699(f), \$100 for each initial violation and \$200 for
26 each subsequent violation of Labor Code §§ 201, 202, 226(a), 226.7, 246, 510,
27 512, and 1194; and
28

b. Pursuant to Labor Code § 2699(a), the civil penalties as authorized by Labor Code §§ 226.3 and 558.

16. Civil penalties recovered will be allocated 75% to the Labor and Workforce Development Agency, and 25% to the affected employees.

17. On July 13, 2022, Plaintiffs 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 Plaintiffs from the LWDA within sixty-five (65) calendar days of July 13, 2022. Plaintiffs may therefore commence this action to seek civil penalties pursuant to Labor Code § 2698 *et seq.*

Wherefore, Plaintiffs and the Aggrieved Employees they seek to represent request relief as described below.

IV.

RELIEF REQUESTED

WHEREFORE, Plaintiffs pray for the following relief:

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

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

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

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

Dated: September 22, 2022

Respectfully submitted,

GAINES & GAINES
A Professional Law Corporation

By: Daniel F. Gaines
DANIEL F. GAINES
EVAN S. GAINES
Attorneys for Plaintiffs

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF VENTURA**

800 South Victoria Avenue
Ventura , CA 93009
(805) 289-8525
WWW.VENTURA.COURTS.CA.GOV

NOTICE OF CASE ASSIGNMENT AND MANDATORY APPEARANCE

Case Number: 56-2022-00570446-CU-OE-VTA

Your case has been assigned for all purposes to the judicial officer indicated below.

A copy of this Notice of Case Assignment and Mandatory Appearance shall be served by the filing party on all named Defendants/Respondents with the Complaint or Petition, and with any Cross-Complaint or Complaint in Intervention that names a new party to the underlying action.

ASSIGNED JUDICIAL OFFICER	COURT LOCATION	DEPT/ROOM
Hon. Matthew P. Guasco	Ventura	20
HEARING MANDATORY APPEARANCE CMC/Order to Show Cause Re Sanctions/Dismissal for Failure to File Proof of Service/Default		
EVENT DATE	EVENT TIME	EVENT DEPT/ROOM
10/27/2023	08:15 AM	22B

SCHEDULING INFORMATION

Judicial Scheduling Information

APPEARANCE AT THE ABOVE HEARING IS MANDATORY.

Each party must file a Case Management Statement no later than 15 calendar days prior to the hearing and serve it on all parties. If your Case Management Statement is untimely, it may NOT be considered by the court (CRC 3.725).

If proof of service and/or request for entry of default have not been filed: At the above hearing you are ordered to show cause why you should not be compelled to pay sanctions and/or why your case should not be dismissed (CCP 177.5, Local Rule 3.17).

Advance Jury Fee Requirement

At least one party demanding a jury trial on each side of a civil case must pay a non-refundable jury fee of \$150. The non-refundable jury fee must be paid timely pursuant to Code of Civil Procedure section 631.

Noticed Motions/Ex Parte Matters

To set an ex parte hearing, contact the judicial secretary in the assigned department. Contact the clerk's office to reserve a date for a law and motion matter.

Telephonic Appearance

Telephonic appearance at the Case Management Conference is permitted pursuant to CRC 3.670. In addition, see Local Rule 7.01 regarding notice to the teleconference provider. The court, through the teleconference provider, will contact all parties and counsel prior to the hearing.

Date: 10/03/2022

Clerk of the Court,
By: Hannah Cressy
Hannah Cressy, Clerk