

Larry W. Lee (State Bar No. 228175)
lwlee@diversitylaw.com
DIVERSITY LAW GROUP, P.C.
515 South Figueroa Street, Suite 1250
Los Angeles, California 90071
(213) 488-6555
(213) 488-6554 facsimile

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By: Hicet Ramirez-Perez, Deputy

Edward W. Choi, Esq. SBN 211334
Edward.Choi@choiandassociates.com
LAW OFFICES OF CHOI & ASSOCIATES
515 S. Figueroa St., Suite 1250
Los Angeles, CA 90071
(213) 381-1515
(213) 465-4885 facsimile

William L. Marder, Cal Bar No. 170131
bill@polarislawgroup.com
POLARIS LAW GROUP, LLP
501 San Benito Street, Suite 200
Hollister, California 95023
Telephone: 831.531.4214
Facsimile: 831.634.0333

Dennis S. Hyun (State Bar No. 224240)
dhyun@hyunlegal.com
HYUN LEGAL, APC
515 S. Figueroa St., Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile

Attorneys for Plaintiff and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF MONTEREY

ESMERALDA BRAVO, as an individual
and on behalf of all others similarly
situated,

Plaintiffs,

v.

LEOTA PROFESSIONAL RESOURCES
LLC, a Maryland limited liability
company; and DOES 1 through 50,
inclusive,

Defendants.

CASE NO. 22CV003459

CLASS ACTION COMPLAINT FOR:

**(1) VIOLATION OF CAL. LABOR CODE §
226(a); AND**

**(2) VIOLATION OF CAL. LABOR CODE §
2698, ET SEQ.**

DEMAND EXCEEDS \$25,000.00

1 Plaintiff Esmeralda Bravo (“Plaintiff”) hereby submits this Class Action Complaint
2 (“Complaint”) against Defendant Leota Professional Resources LLC, a Maryland limited liability
3 company (collectively, the “Company” or “Defendant”) and DOES 1-50 (hereinafter collectively
4 referred to as “Defendants”), as an individual and on behalf of the Class of all other similarly
5 situated current and former employees of Defendants for penalties and/or damages for violations
6 of the California Labor Code, including without limitation, failure to provide employees with
7 accurate itemized wage statements as follows:

8 **INTRODUCTION**

9 1. This class action is within the Court’s jurisdiction under California Labor Code §
10 226, the Private Attorneys General Act (the “PAGA”), Labor Code § 2698, *et seq.*, and the
11 California Industrial Welfare Commission’s (“IWC”) Wage Orders.

12 2. This Complaint challenges systemic illegal employment practices resulting in
13 violations of the California Labor Code against employees of Defendants.

14 3. Plaintiff is informed and believes, and based thereon alleges, that Defendants
15 jointly and severally have acted intentionally and with deliberate indifference and conscious
16 disregard to the rights of all employees by failing to keep accurate records and failing to provide
17 accurate itemized wage statements identifying all required information.

18 **JURISDICTION AND VENUE**

19 4. The Court has jurisdiction over the violations of the California Labor Code §§ 226
20 and 2698, *et seq.* As alleged herein, Plaintiff has exhausted her administrative remedies to
21 proceed under the PAGA.

22 5. Venue is proper in Monterey County because Plaintiff performed work for
23 Defendant in this County.

24 **PARTIES**

25 6. In or around August 2019, Plaintiff was hired by Defendant to work as a medical
26 support assistant. Plaintiff’s employment ended on or about January 24, 2022.

27 7. Defendant is a limited liability company that provides staffing services, including
28 in the State of California.

1 8. Plaintiff was and is a victim of the policies, practices, and customs of Defendants
2 complained of in this action in ways that have deprived Plaintiff of the rights guaranteed by
3 California Labor Code § 226 and the applicable IWC Wage Orders.

4 9. Plaintiff is informed and believes, and based thereon alleges, that at all times
5 herein mentioned Defendants and DOES 1 through 50 are and were business entities, individuals,
6 and partnerships, licensed to do business and actually doing business in the State of California.

7 10. As such, and based upon all the facts and circumstances incident to Defendants'
8 business in California, Defendants are subject to California Labor Code § 226 and the IWC Wage
9 Orders.

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

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

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

 14. At all times herein mentioned, Defendants, and each of them, were members of,

1 and engaged in, a joint venture, partnership and common enterprise, and acting within the course
2 and scope of, and in pursuance of, said joint venture, partnership and common enterprise.

3 15. At all times herein mentioned, the acts and omissions of various Defendants, and
4 each of them, concurred and contributed to the various acts and omissions of each and all of the
5 other Defendants in proximately causing the injuries and damages as herein alleged. At all times
6 herein mentioned, Defendants, and each of them, ratified each and every act or omission
7 complained of herein. At all times herein mentioned, the Defendants, and each of them, aided
8 and abetted the acts and omissions of each and all of the other Defendants in proximately causing
9 the damages as herein alleged.

10 **CLASS ACTION ALLEGATIONS**

11 16. **Definition:** The named individual Plaintiff seeks class certification, pursuant to
12 California Code of Civil Procedure § 382, of the following class:

- 13 a. All current and former California employees to whom Defendant paid any
14 wages at any time during the period of time from November 10, 2021,
15 through the present (the “Class”).

16 17. **Numerosity and Ascertainability:** The members of the Class are so numerous
17 that joinder of all members would be impractical, if not impossible. The identity of the members
18 of the Class is readily ascertainable by review of the Company’s records, including payroll
19 records. Plaintiff is informed and believes, and based thereon alleges, that the Company failed to
20 provide accurate itemized wage statements to employees in violation of Labor Code § 226.

21 18. **Adequacy of Representation:** The named Plaintiff is fully prepared to take all
22 necessary steps to represent fairly and adequately the interests of the class defined above.
23 Plaintiff’s attorneys are ready, willing and able to fully and adequately represent the class and the
24 named Plaintiffs. Plaintiff’s attorneys have prosecuted and settled wage-and-hour class actions in
25 the past and currently have a number of wage-and-hour class actions pending in California courts.

26 19. **Common Question of Law and Fact:** There are predominant common questions
27 of law and fact and a community of interest amongst Plaintiffs and the claims of the Class
28 concerning the Company’s failure to provide accurate itemized wage statements to employees in
violation of Labor Code § 226.

1 20. **Typicality:** The claims of the named Plaintiff are typical of the claims of all
2 members of the Class in that Plaintiff has suffered the harm alleged in this Complaint in a similar
3 and typical manner as the Class members. Plaintiff was not provided proper and accurate payroll
4 records identifying all information required by Labor Code § 226(a). Specifically, Defendant
5 violated Labor Code § 226(a)(7) failing to identify either the last four digits of the employee's
6 social security number or an employee identification number on wage statements that Defendant
7 issued to Plaintiff and Class Members. Thus, Plaintiff is a member of the Class and has suffered
8 the alleged violations of California Labor Code § 226 and the applicable IWC Wage Orders.

9 21. The California Labor Code and upon which Plaintiff bases these claims is broadly
10 remedial in nature. These laws and labor standards serve an important public interest in
11 establishing minimum working conditions and standards in California. These laws and labor
12 standards protect the average working employee from exploitation by employers who may seek to
13 take advantage of superior economic and bargaining power in setting onerous terms and
14 conditions of employment.

15 22. The nature of this action and the format of laws available to Plaintiff and members
16 of the Class identified herein make the class action format a particularly efficient and appropriate
17 procedure to redress the wrongs alleged herein. If each employee were required to file an
18 individual lawsuit, the corporate Defendant would necessarily gain an unconscionable advantage
19 since it would be able to exploit and overwhelm the limited resources of the individual Plaintiff
20 with Defendants' vastly superior financial and legal resources. Requiring each Class member to
21 pursue an individual remedy would also discourage the assertion of lawful claims by employees
22 who would be disinclined to file an action against their former and/or current employer for real
23 and justifiable fear of retaliation and permanent damage to their careers at subsequent
24 employment.

25 23. The prosecution of separate actions by the individual class members, even if
26 possible, would create a substantial risk of (a) inconsistent or varying adjudications with respect
27 to individual Class members against the Company and which would establish potentially
28 incompatible standards of conduct for the Company, and/or (b) adjudications with respect to
individual Class members which would, as a practical matter, be dispositive of the interest of the

1 other Class members not parties to the adjudications or which would substantially impair or
2 impede the ability of the Class members to protect their interests. Further, the claims of the
3 individual members of the Class are not sufficiently large to warrant vigorous individual
4 prosecution considering all of the concomitant costs and expenses.

5 24. Such a pattern, practice and uniform administration of corporate policy regarding
6 illegal employee compensation described herein is unlawful and creates an entitlement to
7 recovery by Plaintiffs and the Class identified herein, in a civil action any and all applicable
8 penalties and/or damages, reasonable attorneys' fees, and costs of suit according to the mandate
9 of California Labor Code § 226, the applicable IWC Wage Orders, and Code of Civil Procedure §
10 1021.5.

11 25. Proof of a common business practice or factual pattern, which the named Plaintiffs
12 experienced and are representative of, will establish the right of each of the members of the Class
13 to recovery on the causes of action alleged herein.

14 **FIRST CAUSE OF ACTION**

15 **VIOLATION OF LABOR CODE § 226(a)**

16 **(AGAINST THE COMPANY AND DOES 1-50 BY PLAINTIFF AND THE CLASS)**

17 26. Plaintiff re-alleges and incorporates by reference the preceding paragraphs as
18 though fully set for herein.

19 27. The Company failed in its affirmative obligation to provide accurate itemized
20 wage statements in violation of Labor Code § 226(a). Specifically, Defendant violated Labor
21 Code § 226(a)(7) by failing to identify either the last four digits of the employee's social security
22 number or an employee identification number on wage statements issued to Plaintiff and Class
23 Members.

24 28. Such a pattern, practice and uniform administration of corporate policy as
25 described herein is unlawful and creates an entitlement to recovery by Plaintiffs and the Class
26 identified herein, in a civil action, for all damages or penalties pursuant to Labor Code § 226,
27 including interest thereon, attorneys' fees, and costs of suit according to the mandate of California
28 Labor Code § 226.

1 **SECOND CAUSE OF ACTION**

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

3 **(AGAINST THE COMPANY AND DOES 1-50 BY PLAINTIFF AS A PROXY FOR THE**
4 **STATE OF CALIFORNIA)**

5 29. Plaintiff re-alleges and incorporates by reference the preceding paragraphs as
6 though fully set for herein.

7 30. Plaintiff brings this cause of action as a proxy on behalf of the State of California
8 and all similarly aggrieved employees arising from Defendant's violation of Labor Code § 226(a).
9 As alleged herein, Defendant violated Labor Code § 226(a)(7) by failing to identify either the last
10 four digits of the employee's social security number or an employee identification number on
11 wage statements issued to Plaintiff and Aggrieved Employees.

12 31. Plaintiff has exhausted her administrative remedies to proceed on this PAGA
13 claim. On or about August 10, 2022, Plaintiff submitted her written notice of the violation of
14 Labor Code § 226(a) to the Labor Workforce Development Agency (the "LWDA") and to
15 Defendant via certified mail. As of the date of this filing, the LWDA has not informed Plaintiff
16 whether it intends to investigate the violations asserted in Plaintiff's written notice. Therefore,
17 Plaintiff may proceed pursuant to the PAGA.

18 32. Plaintiff will seek all applicable remedies under the PAGA, including civil
19 penalties, costs and attorneys' fees pursuant to Labor Code §§ 226.3 and 2699.

20 **PRAYER FOR RELIEF**

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

- 23 1. For an order certifying the proposed Class;
- 24 2. For an order appointing Plaintiff as the representative of the Class as described
25 herein;
- 26 3. For an order appointing counsel for Plaintiff as Class counsel;
- 27 4. Upon the First Cause of Action, for damages and/or penalties pursuant to
28 California Labor Code § 226, and for costs and attorneys' fees;
5. Upon the Second Cause of Action, for civil penalties, costs and attorneys' fees

1 pursuant to Labor Code §§ 226.3 and 2699;

2 6. On all causes of action, for attorneys' fees and costs as provided by California
3 Labor Code § 226 and Code of Civil Procedure § 1021.5; and

4 7. For such other and further relief as the Court may deem just and proper.

5 DATED: November 10, 2022

LAW OFFICES OF CHOI & ASSOCIATES, APLC

6
7 By: 
8 Edward W. Choi
Attorneys for PLAINTIFF and the CLASS