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16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **FOR THE COUNTY OF SAN BERNARDINO**

18 BRANDON MCCOY, as an individual and
19 on behalf of all others similarly situated,

20 Plaintiffs,

21 vs.

22 UNIVERSITY OF REDLANDS; and
23 DOES 1 through 50, inclusive,

24 Defendants.

Case No. **CIV SB 22 26 67 5**

**REPRESENTATIVE ACTION COMPLAINT
FOR VIOLATION OF LABOR CODE
SECTION 2698 ET. SEQ.**

DEMAND OVER \$25,000.00

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO CIVIL DIVISION

DEC 01 2022

Gilberto Villegas
Gilberto Villegas

1 Plaintiff Brandon McCoy (“Plaintiff”) hereby submits this Representative Action
2 Complaint (“Complaint”) against Defendant University of Redlands (“Defendant”) and Does 1
3 through 50 (hereinafter collectively referred to as “Defendants”), as an individual and on behalf
4 of himself and other Aggrieved Employees of Defendant, for penalties for violations of the
5 California Labor Code, as follows

6 **INTRODUCTION**

7 1. This representative action is within the Court’s jurisdiction under California
8 Labor Code sections 2698 *et. seq.* and 2802 the applicable Wage Orders of the California
9 Industrial Welfare Commission (“IWC”).

10 2. This complaint challenges systemic illegal employment practices resulting in
11 violations of the California Labor Code against individuals who worked for Defendants.

12 3. Plaintiff is informed and believes, and based thereon alleges, that Defendants,
13 jointly and severally, have acted intentionally and with deliberate indifference and conscious
14 disregard to the rights of all employees in Defendants’ failure to reimburse employees for all
15 business-related expenses.

16 **JURISDICTION AND VENUE**

17 4. The Court has jurisdiction over the violations of California Labor Code sections
18 2698 *et. seq.* and 2802.

19 5. Venue is proper because Defendant does business in San Bernardino County and
20 maintains a business location in San Bernardino County.

21 **PARTIES**

22 6. Plaintiff has been employed by Defendant since on or about September 1, 2020.

23 7. Plaintiff is informed and believes, and based thereon alleges, that Defendant is a
24 private university headquartered in Redlands, California.

25 8. Plaintiff is informed and believes, and based thereon alleges, that at all times
26 herein mentioned Defendant and Does 1 through 50, are and were corporations, business entities,
27 individuals, and partnerships, licensed to do business and actually doing business in the State of
28 California.

1 9. As such, and based upon all the facts and circumstances incident to Defendants'
2 business, Defendants are subject to California Labor Code sections 2698 *et. seq.* and 2802.

3 10. Plaintiff does not know the true names or capacities, whether individual, partner
4 or corporate, of the Defendants sued herein as Does 1 through 50, inclusive, and for that reason,
5 said Defendants are sued under such fictitious names, and Plaintiff prays for leave to amend this
6 complaint when the true names and capacities are known. Plaintiff is informed and believes and
7 based thereon alleges that each of said fictitious Defendants were responsible in some way for
8 the matters alleged herein and proximately caused Plaintiff and Aggrieved Employees to be
9 subject to the illegal employment practices, wrongs, and injuries complained of herein.

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

15 12. Plaintiff is informed and believes, and based thereon alleges, that at all times
16 material hereto, each of the Defendants named herein was the agent, employee, alter ego, and/or
17 joint venturer of, or working in concert with each of the other co-Defendants and was acting
18 within the course and scope of such agency, employment, joint venture, or concerted activity.
19 To the extent said acts, conduct, and omissions were perpetrated by certain Defendants, each of
20 the remaining Defendants confirmed and ratified said acts, conduct, and omissions of the acting
21 Defendants.

22 13. At all times herein mentioned, Defendants, and each of them, were members of,
23 and engaged in, a joint venture, partnership and common enterprise, and acting within the course
24 and scope of, and in pursuance of, said joint venture, partnership and common enterprise.

25 14. At all times herein mentioned, the acts and omissions of various Defendants, and
26 each of them, concurred and contributed to the various acts and omissions of each and all of the
27 other Defendants in proximately causing the injuries and damages as herein alleged. At all times
28 herein mentioned, Defendants, and each of them, ratified each and every act or omission

1 complained of herein. At all times herein mentioned, Defendants, and each of them, aided and
2 abetted the acts and omissions of each and all of the other Defendants in proximately causing the
3 damages as herein alleged.

4 **FIRST CAUSE OF ACTION**

5 **Violation of Labor Code §§ 2698 Et Seq.**

6 **(By Plaintiff and Aggrieved Employees Against All Defendants)**

7 15. Plaintiff re-alleges and incorporates by reference the preceding paragraphs as
8 though fully set forth herein.

9 16. Pursuant to the Labor Code Private Attorneys General Act of 2004, Labor Code
10 section 2698 *et seq.* ("PAGA"), Plaintiff brings this cause of action as a proxy for the State of
11 California and, in this capacity, will seek penalties on behalf of all Aggrieved Employees from
12 September 26, 2021, through the present, for Defendant's violations of Labor Code section 2802.

13 17. Defendant violated Labor Code section 2802 by failing to reimburse Plaintiff and
14 Aggrieved Employees for expenses incurred in the performance of their duties. More
15 specifically, Defendant required Plaintiff and Aggrieved Employees to use their personal home
16 internet, utilities, and other office supplies for work-related purposes. However, Defendant did
17 not reimburse Plaintiff and Aggrieved Employees for such expenses.

18 18. Based on the above-stated Labor Code violations, Plaintiff is an "aggrieved
19 employee" as defined in Labor Code section 2699(a). As such, Plaintiff brings this cause of
20 action on behalf of the State of California for violations committed against all similarly situated
21 Aggrieved Employees of Defendant.

22 19. On or about September 26, 2022, Plaintiff sent written notice to the California
23 Labor & Workforce Development Agency ("LWDA") of Defendant's violations of Labor Code
24 section 2802, pursuant to Labor Code section 2698 *et seq.* As of the date of the filing of this
25 Complaint, the LWDA has yet to provide notice to Plaintiff as to whether it intends to investigate
26 the violations provided for in the written notice. In addition to the LWDA, Plaintiff also sent his
27 written notice to Defendant via certified mail according to Labor Code section 2699.3.

28 20. As such, pursuant to Labor Code section 2699(a), Plaintiff will seek recovery of

any and all applicable civil penalties for Defendant's violation of Labor Code section 2802, for the time period described above, on behalf of himself and other Aggrieved Employees.

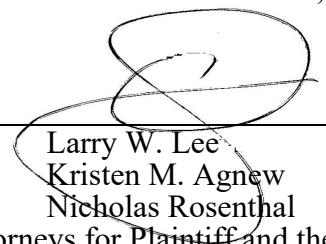
PRAYER FOR RELIEF

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. Upon the First Cause of Action, for civil penalties according to proof pursuant to Labor Code section 2698, et seq., and for costs and attorneys' fees;
2. On all causes of action for attorneys' fees and costs as provided by California Labor Code section 2699, and Code of Civil Procedure section 1021.5; and
3. For such other and further relief the Court may deem just and proper.

DATED: December 1, 2022

DIVERSITY LAW GROUP, P.C.

By: 

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Nicholas Rosenthal
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Employees