

JUSTICE FOR WORKERS, P.C.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF RIVERSIDE

GWEN MARIE HOGAN LOPEZ, an
individual and on behalf of all others similarly
situated;

Plaintiff,

vs.

CREATIVE STONE MFG., INC., a California
corporation; and DOES 1 through 50,

Defendants.

Case No.: **CVRI2504292**

**REPRESENTATIVE ACTION
COMPLAINT FOR VIOLATION OF THE
CALIFORNIA PRIVATE ATTORNEYS
GENERAL ACT (LABOR CODE §§ 2698,
et seq.)**

Plaintiff GWEN MARIE HOGAN LOPEZ ("Plaintiff"), on behalf of herself as an aggrieved employee, the State of California, and other aggrieved employees, hereby brings this Representative Action Complaint ("Complaint") against Defendants CREATIVE STONE MFG., INC., a California corporation, and DOES 1 to 50 (collectively "Defendants"), and on information and belief alleges as follows:

JURISDICTION AND VENUE

1. Plaintiff brings this Complaint for recovery of civil penalties under the California Private Attorneys General Act, California Labor Code §§ 2698, *et seq.* ("PAGA"), for Defendants' violations of Labor Code § 1198 and Industrial Welfare Commission ("IWC") Wage Order 1-2001

(“Wage Order 1”), § 15. This Court has jurisdiction over Defendants’ violations of the Labor Code because the amount in controversy exceeds \$25,000.

2. Venue is proper in this judicial district because Defendants maintain offices, have agents, and/or transact business in the State of California, including Riverside County, and some of the acts and omissions complained of herein occurred in Riverside County. Furthermore, Plaintiff was employed by Defendants within Riverside County.

PARTIES

3. Plaintiff is, and at all times relevant herein was, an individual over the age of eighteen (18) and is a California resident. Within the statute of limitations periods applicable to each cause of action pled herein, Plaintiff was employed by Defendants as a non-exempt employee. Plaintiff was, and is, a victim of Defendants' policies, practices, and/or customs complained of herein and has been deprived of the rights guaranteed by Labor Code § 1198 and Wage Order 1, § 15.

4. Plaintiff is informed and believes, and based thereon alleges, that during the applicable statute of limitations for each cause of action pled herein and continuing to the present, Defendants engaged in and continue to engage in business, and employed Plaintiff and other, similarly-situated non-exempt employees within Riverside County, and the State of California and, therefore, were (and are) doing business in Riverside County and the State of California.

5. Plaintiff does not know the true names or capacities, whether individual, partner, or corporate, of the defendants sued herein as DOES 1 to 50, inclusive, and for that reason, said defendants are sued under such fictitious names, and Plaintiff will seek leave from this Court to amend this Complaint when such true names and capacities are discovered. Plaintiff is informed and believes, and based thereon alleges, that each of said fictitious defendants, whether individual, partners, or corporate, was responsible in some manner for the acts and omissions alleged herein, and proximately caused Plaintiff and aggrieved employees to be subject to the unlawful employment practices, wrongs, injuries, and damages complained of herein.

6. At all times herein mentioned, each of said Defendants participated in the doing of the acts hereinafter alleged to have been done by the named Defendant; and furthermore,

1 Defendants, and each of them, were the agents, servants, and employees of each of the other
2 defendants, as well as the agents of all Defendants, and at all times herein mentioned, were acting
3 within the course and scope of said agency and employment.

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

10 8. At all times herein mentioned, Defendants, and each of them, were members of, and
11 engaged in, a joint venture, partnership, and common enterprise, and acting within the course and
12 scope of, and in pursuance of, said joint venture, partnership, and common enterprise.

13 9. At all times herein mentioned, the acts and omissions of various Defendants, and
14 each of them, concurred and contributed to the various acts and omissions of each and all of the
15 other Defendants in proximately causing the injuries and damages as herein alleged.

16 **FACTUAL ALLEGATIONS**

17 10. Defendants manufactures stone veneer products in California, including in Rialto.
18 Defendants employed Plaintiff as an hourly-paid, non-exempt employee since approximately
19 September 27, 2023 as a mold technician at its Rialto facility.

20 11. The “aggrieved employees” that Plaintiff seeks civil penalties on behalf of are all
21 current and former hourly-paid or non-exempt employees, whether directly hired or employed via a
22 staffing agency, who worked for any of the above-referenced entities within the State of California.

23 12. Labor Code § 1198 provides: “The employment of any employee ... under conditions
24 of labor prohibited by the [Industrial Wage Orders] is unlawful.” Section 15 of the Wage Orders
25 provide: “(A) The temperature maintained in each work area shall provide reasonable comfort
26 consistent with industry-wide standards for the nature of the process and the work performed. (B) If
27 excessive heat or humidity is created by the work process, the employer shall take all feasible
28 means to reduce such excessive heat or humidity to a degree providing reasonable comfort. Where

1 the nature of the employment requires a temperature of less than 60° F, a heated room shall be
2 provided to which employees may retire for warmth, and such room shall be maintained at not less
3 than 68° F. (C) A temperature of not less than 68° F shall be maintained in the toilet rooms, resting
4 rooms, and change rooms during hours of use. (D) Federal and State energy guidelines shall prevail
5 over any conflicting provision of this section.”

6 13. California law requires an employer to endeavor to provide a safe and healthy
7 workplace. (Cal. Code Regs., tit. 8, §3203.) Labor Code § 6720 required the California Division of
8 Occupational Safety and Health (“Cal/OSHA”) to propose an indoor heat illness standard by
9 January 1, 2019. Cal/OSHA has implemented standards for indoor heat illness that applies to an
10 indoor work area where the temperature or heat index equals or exceeds 87° F when employees are
11 present. (Cal. Code Regs., tit. 8, § 3396.)

12 14. During the relevant time period, Defendants failed to provide Plaintiff and other
13 aggrieved employees with reasonable comfort by maintaining the indoor temperature within the
14 range of industry standards by, inter alia, complying with Cal. Code Regs., tit. 8, § 3396, including,
15 but not limited to, maintaining an indoor heat illness prevention plan, providing training to
16 aggrieved employees and supervisors on indoor heat illness prevention, providing extra cool-down
17 breaks, providing personal heat-protective equipment, and monitoring indoor temperature.

18 15. In fact, after an aggrieved employee almost passed out due to heat illness from
19 working at Defendants’ facility, Defendants’ only remedial action was to provide fans which did
20 little to prevent heat illnesses or provide aggrieved employees with reasonable comfort by
21 maintaining the indoor temperature within the range of industry standards.

22 16. Additionally, Defendants failed to maintain a temperature of not less than 68° F in
23 the toilet rooms, resting rooms, and change rooms during hours of use.

24 17. On or about May 16, 2025, Plaintiff notified Defendants via certified mail, and
25 notified the California Labor and Workforce Development Agency (“LWDA”) via its website, of
26 Defendants’ violations of the Labor Code and Plaintiff’s intent to bring a claim for civil penalties
27 under Labor Code § 2698, *et seq.* with respect to the violations of the Labor Code identified in the
28 preceding paragraph. Now that 33 days and 65 days have passed from Plaintiff notifying

1 Defendants and the LWDA of these violations, Defendants have not cured any curable violations,
2 and the LWDA has not provided notice that it intends to investigate the violations, Plaintiff has
3 exhausted administrative requirements for bringing a claim under the Private Attorneys General Act
4 with respect to these violations.

5 **FIRST CAUSE OF ACTION**

6 **PRIVATE ATTORNEYS GENERAL ACT**

7 **(Against All Defendants)**

8 18. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though
9 fully set forth herein.

10 19. Plaintiff, an “aggrieved employee” within the meaning of Labor Code §§ 2698, *et*
11 *seq.*, acting on behalf of herself and other aggrieved employees (collectively, “Aggrieved
12 Employees”), brings this representative action against Defendants to recover the civil penalties due
13 to Plaintiff and other Aggrieved Employees, and the State of California according to proof pursuant
14 to Labor Code § 2699 including, but not limited to, \$100 for each initial violation and \$200 for each
15 subsequent violation per employee per pay period for those violations of the Labor Code for which
16 no civil penalty is specifically provided, based on Defendant’s violation of Labor Code § 1198 and
17 Wage Order 1, § 15 regarding temperature in the workplace.

18 20. Plaintiff has incurred attorneys’ fees and costs, which Plaintiff is entitled to receive
19 under California Labor Code § 2699(g).

20 **PRAYER FOR RELIEF**

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

23 1. Upon the First Cause of Action, for civil penalties due to Plaintiff, other Aggrieved
24 Employees, and the State of California according to proof pursuant to Labor Code § 2699;

25 2. On all causes of action, for attorneys’ fees and costs as provided by Labor Code §
26 2699(g) and Code of Civil Procedure § 1021.5; and

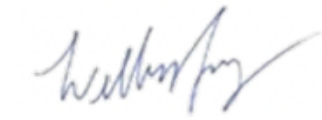
27 3. For such other and further relief, the Court may deem just and proper.

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1 DATED: July 18, 2025

JUSTICE FOR WORKERS, P.C.

2
3 By:



4 William C. Sung

5 Tiffany L. Luu

6 Joseph C. Ramli

7 Attorneys for Plaintiff

8 GWEN MARIE HOGAN LOPEZ