

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

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

ANTHONY REBOJA, as a proxy for the
State of California,

Plaintiffs,

v.

AFC CABLE SYSTEMS, INC., a
Delaware corporation; and DOES 1
through 50, inclusive,

Defendants.

CASE NO.

CIV SB 2301379

**REPRESENTATIVE ACTION COMPLAINT
FOR:**

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

DEMAND EXCEEDS \$25,000.00

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

JAN 04 2023

By

Jasmine Segura Deputy

COPY

1 Plaintiff Anthony Reboja (“Plaintiff”) hereby submits this Representative Action
2 Complaint (“Complaint”) against Defendant AFC Cable Systems, Inc., a Delaware corporation
3 (the “Company” or “Defendant”) and DOES 1-50 (hereinafter collectively referred to as
4 “Defendants”), as a proxy for the State of California and on behalf of all other aggrieved current
5 and former employees of Defendants for penalties for violations of the California Labor Code,
6 including without limitation, failure to provide employees with accurate itemized wage
7 statements as follows:

8 **INTRODUCTION**

9 1. This action is within the Court’s jurisdiction under the Private Attorneys General
10 Act (the “PAGA”), California Labor Code § 2698, *et seq.*

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

13 **JURISDICTION AND VENUE**

14 3. The Court has jurisdiction over the violations of the PAGA. As alleged herein,
15 Plaintiff has exhausted his administrative remedies to proceed in this Court pursuant to the
16 PAGA.

17 4. Venue is proper in San Bernardino County because Plaintiff performed work for
18 Defendant in this County.

19 **PARTIES**

20 5. On or about December 13, 2021, Plaintiff was hired by Defendant to work as a
21 quality assurance technician. Plaintiff is still employed by Defendant.

22 6. Defendant is a cable manufacturing company which operates throughout the
23 United States, including in the State of California.

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

27 8. Plaintiff is informed and believes, and based thereon alleges, that at all times
28 herein mentioned Defendants and DOES 1 through 50 are and were business entities, individuals,

1 and partnerships, licensed to do business and actually doing business in the State of California.

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

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

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

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

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

27 14. At all times herein mentioned, the acts and omissions of various Defendants, and
28 each of them, concurred and contributed to the various acts and omissions of each and all of the
other Defendants in proximately causing the violations as herein alleged. At all times herein

1 mentioned, Defendants, and each of them, ratified each and every act or omission complained of
2 herein. At all times herein mentioned, the Defendants, and each of them, aided and abetted the
3 acts and omissions of each and all of the other Defendants in proximately causing the violations
4 as herein alleged.

5 **FIRST CAUSE OF ACTION**

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

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

9 15. Plaintiff re-alleges and incorporates by reference the preceding paragraphs as
10 though fully set for herein.

11 16. Plaintiff brings this cause of action as a proxy for the State of California and in this
12 capacity, seeks penalties on behalf of all Aggrieved Employees for Defendant's violations of
13 Labor Code § 226 from October 26, 2021, through the present. Specifically, whenever Defendant
14 paid Plaintiff and Aggrieved Employees overtime wages, the wage statements issued to the
15 Plaintiff and Aggrieved Employees did not identify the accurate total hours worked. In particular,
16 when the hours shown on the wage statements are added up, they do not appear to add up to the
17 actual total hours worked.

18 17. On or about October 26, 2022, Plaintiff sent written notice to the California Labor
19 & Workforce Development Agency (the "LWDA") and to Defendant via certified mail, return
20 receipt requested regarding Defendant's violations of Labor Code § 226, pursuant to the PAGA.

21 18. As of the date of this filing, the LWDA has not provided written notice regarding
22 whether it intends to investigate the Labor Code violations set forth in Plaintiff's written notice;
23 thus, allowing Plaintiff to proceed under the PAGA against Defendant for said violations.
24 Therefore, Plaintiff may seek any and all applicable penalties under PAGA on behalf of the State
25 of California and all aggrieved employees.

26 19. As such, pursuant to Labor Code § 2699(a), Plaintiff seeks recovery of any and all
27 applicable civil penalties for Defendant's violation of Labor Code §§ 226 and 226.3 for the time
28 periods described above, as a proxy for the State of California and on behalf of other Aggrieved

1 Employees.

2 **PRAYER FOR RELIEF**

3 WHEREFORE, Plaintiff prays for judgment on behalf of the State of California and all
4 others on whose behalf this suit is brought against Defendants, jointly and severally, as follows:

5 1. Upon the First Cause of Action, for civil penalties pursuant to California Labor
6 Code §§ 226.3 and 2699, and for costs and attorneys' fees;

7 2. On all causes of action, for attorneys' fees and costs as provided by California
8 Labor Code § 2699 and Code of Civil Procedure § 1021.5; and

9 3. For such other and further relief as the Court may deem just and proper.

10 DATED: January 4, 2023

DIVERSITY LAW GROUP, P.C.

11
12 By: 
13 Larry W. Lee
14 Attorneys for PLAINTIFF