

1 Adam Rose (210880)
adam@frontierlawcenter.com
 2 Manny Starr (319778)
manny@frontierlawcenter.com
 3 FRONTIER LAW CENTER
 23901 Calabasas Road, #2074
 4 Calabasas, CA 91302
 Telephone: (818) 914-3433
 5 Facsimile: (818) 914-3433

6 Attorney for Plaintiff
 Michael Valdivieso

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF LOS ANGELES

11	MICHAEL VALDIVIESO, on behalf of himself	)	NO. 23GDCV00191
12	and all aggrieved employees,	)	
	Plaintiff,	)	COMPLAINT FOR PAGA PENALTIES
13	v.	)	
14	UNIVERSAL AUTO GROUP, INC.. and DOES	)	
15	1 to 100,	)	
16	Defendants.	)	

19 PRELIMINARY ALLEGATIONS

- 20 1. Plaintiff Michael Valdivieso is a resident of Los Angeles County.
- 21 2. Defendant Universal Auto Group, Inc. ("Universal") is a Los Angeles corporation.
- 22 3. Plaintiff does not know the names and capacities of Does 1 to 100 and therefore uses
- 23 fictitious names. Plaintiff will amend pursuant to Code of Civil Procedure section 474 when the
- 24 names and capacities are known.
- 25 4. On November 22, 2022 Plaintiff mailed a certified PAGA letter that explained the specific
- 26 bases for PAGA penalties to Universal and uploaded the letter to the LWDA website. Since it has
- 27 been more than 65 days and the LWDA has not notified anyone of an intent to investigate, Plaintiff
- 28 may now proceed with a PAGA complaint on behalf of himself and all aggrieved employees.

5. The aggrieved employees are all nonexempt employees of Defendants from November 22, 2021 to present.

6. Defendants operate vehicle dealerships; thus Wage Order 4 applies.

7. Plaintiff worked at Universal's Glendale Subaru location from June 2022 to August 2022.

8. Throughout that time, the following Labor Code violations occurred.

9. First, Defendants did pay Plaintiff and the aggrieved employees for work performed off the clock, leading to unpaid wages, both straight time and overtime.

10. Second, overtime should have been paid at the correct regular rate of pay.

11. Third, Defendants did not provide accurate wage statements to Plaintiff and the aggrieved employees since the wage statements did not list all time worked.

12. Fourth, Plaintiff and the aggrieved employees who no longer work for Defendants were not paid waiting time penalties for the off the clock work.

13. Fifth, Plaintiff and the aggrieved employees were not allowed to take 30-minute meal periods, as any meal periods were on-call. Premium pay should have been paid at the correct regular rate of pay.

14. Sixth, Plaintiff and the aggrieved employees were not allowed to take 10-minute rest breaks. Premium pay should have been paid at the correct regular rate of pay.

FIRST CAUSE OF ACTION

PAGA Penalties

Against All Defendants

14. Plaintiff incorporates by reference paragraphs 1 to 14 of the complaint.

15. PAGA penalties in Labor Code sections 558, 1197.1 and 2699 apply to off the clock work.

16. The PAGA penalties in Labor Code section 2699 apply to the regular rate violations.

16. The PAGA penalties in Labor Code sections 2699 apply to the wage statement and waiting time penalty violations.

17. The PAGA penalties in Labor Code 558 and 2699 apply to the meal break violations.

18. The PAGA penalties in Labor Code section 2699 apply to the rest break violations.

1 Prayer

2 First Cause of Action

- 3 1. All applicable PAGA penalties
4 2. Attorney fees and costs
5 3. Other relief the court deems proper
6

7 Date: January 31, 2023

FRONTIER LAW CENTER

8

9

Adam Rose

10

Adam Rose
Attorney for Plaintiff
German Rodriguez

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28