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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF MONTEREY - COMPLEX

TINA CHANDRA, as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

LONGS DRUG STORES CALIFORNIA,
L.L.C., a Maryland limited liability company;
and DOES 1 through 100, inclusive,

Defendants.

23CV000219
Case No.

**PAGA REPRESENTATIVE ACTION
COMPLAINT FOR:**

**(1) VIOLATION OF LABOR CODE §
2698, *ET SEQ.*, THE PRIVATE
ATTORNEYS GENERAL ACT**

DEMAND EXCEEDS \$25,000.00

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1 Plaintiff Tina Chandra (“Plaintiff”), hereby submits this Representative Action Complaint
2 (“Complaint”) against Defendant Longs Drug Stores California, L.L.C., a Maryland limited
3 liability company, and DOES 1-100 (hereinafter collectively referred to as “Defendants”), on
4 behalf of herself and all other aggrieved employees of Defendants for penalties pursuant to the
5 Private Attorneys General Act, Labor Code § 2698, *et seq.* (“PAGA”), for Defendants’ violations
6 of the California Labor Code, as follows:

7 **JURISDICTION AND VENUE**

8 1. This Court has jurisdiction over the violations of the California Labor Code §§
9 201-203, 226, 226.7, 512, and 2698, *et seq* and California Business & Professions Code § 17200,
10 *et seq.*

11 2. Venue is proper in this Court because Plaintiff worked for Defendant in
12 Monterey, California.

13 **PARTIES**

14 3. On or about November 14, 2017, Plaintiff was hired by Defendants. Plaintiff last
15 worked for Defendant as a non-exempt shift supervisor in Monterey, California. In or around
16 November, 2022, Plaintiff’s employment ended.

17 4. Defendants operate retail pharmacies throughout the United States, including in
18 Monterey County.

19 **DOE DEFENDANTS**

20 5. Plaintiff does not know the true names or capacities, whether individual, partner
21 or corporate, of the Defendants sued herein as Does 1 through 50, inclusive, and for that reason,
22 said Defendants are sued under such fictitious names, and Plaintiff prays for leave to amend this
23 complaint when the true names and capacities are known. Plaintiff is informed and believes and,
24 based thereon alleges, that each of said fictitious Defendants was responsible in some way for the
25 matters alleged herein and proximately caused Plaintiff to be subject to the illegal employment
26 practices, wrongs and injuries complained of herein.

27 **AGENCY STATUS OF EACH DEFENDANT**

28 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 Defendants; and furthermore, the Defendants, and each of them, were the agents, servants and employees of each of the other Defendants, as well as the agents of all Defendants, and at all times herein mentioned, were acting within the course and scope of said agency and employment.

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

8. At all times herein mentioned, Defendants, and each of them, were members of, and engaged in, a joint venture, partnership and common enterprise, and acting within the course and scope of, and in pursuance of, said joint venture, partnership and common enterprise. At all times herein mentioned, the acts and omissions of various Defendants, and each of them, concurred and contributed to the various acts and omissions of each and all of the other Defendants in proximately causing the injuries and damages as herein alleged. At all times herein mentioned, Defendants, and each of them, ratified each and every act or omission complained of herein. At all times herein mentioned, the Defendants, and each of them, aided and abetted the acts and omissions of each and all of the other Defendants in proximately causing the damages as herein alleged.

FIRST CAUSE OF ACTION

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

(BY PLAINTIFF AND AGGRIEVED EMPLOYEES AGAINST ALL DEFENDANTS)

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

10. Plaintiff brings this cause of action as a proxy for the State of California and in this capacity, seeks penalties on behalf of all Aggrieved Employees in the State of California

1 from November 16, 2021, through the present, for Defendants' violations of Labor Code §§ 201-
2 203, 226, 226.7, and 512, arising from Defendants' policy and practice of: (a) failing to provide
3 meal and rest periods and pay the requisite premium wages at the regular rate of pay; (b) failing
4 to provide accurate itemized wage statements; and (c) failing to timely pay wages to terminated
5 employees.

6 11. On or about November 16, 2022, Plaintiff sent written notice to the California
7 Labor & Workforce Development Agency ("LWDA") of Defendants' violations of Labor Code
8 §§ 201-203, 226, 226.7, and 512, pursuant to the PAGA. In addition to the LWDA, Plaintiff also
9 sent her notice to Defendants via certified mail pursuant to Labor Code § 2699.3.

10 12. As of the date of the filing of this Complaint, the LWDA has not responded to
11 Plaintiff's written notice nor indicated that it intends to investigate the Labor Code violations
12 provided for in the written notice.

13 13. As such, pursuant to Labor Code § 2699(a), Plaintiff seeks recovery of any and all
14 applicable civil penalties for Defendants' violations of Labor Code §§ 201-203, 226, 226.7, and
15 512 for the time period described above, on behalf of herself and other Aggrieved Employees.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff prays for judgment to be entered in Plaintiff's favor and against
18 Defendants, and each of them, as follows:

19 1. On the First Cause of Action, for civil penalties and/or damages pursuant to
20 California Labor Code §§226.3 and 2698, *et seq.*, and for interest, costs and attorneys' fees;

21 2. On all causes of action, for attorneys' fees and costs as provided by California
22 Labor Code § 2698 *et seq.* and Code of Civil Procedure section 1021.5; and

23 5. Such other and further relief as the Court may deem proper.
24

25 Dated: January 23, 2023

DIVERSITY LAW GROUP, P.C.

26
27 By: 

Larry W. Lee

Attorneys for Plaintiff and the Class
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