

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Lia Martin

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
German Rodriguez

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF LOS ANGELES

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11 GERMAN RODRIGUEZ, on behalf of himself) NO. **23STCV00936**
and all aggrieved employees,)
12) COMPLAINT FOR PAGA PENALTIES
Plaintiff,)
13 v.)
14 MODERN PARKING, INC. and DOES 1 to 100,)
Defendants.)
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19 PRELIMINARY ALLEGATIONS

- 20 1. Plaintiff German Rodriguez is a resident of Los Angeles County.
- 21 2. Defendant Modern Parking, Inc. ("MPI") is a corporation based in Los Angeles County.
- 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 11, 2022 Plaintiff mailed a certified PAGA letter that explained the specific
26 bases for PAGA penalties to MPI and uploaded the letter to the LWDA website. Since it has been
27 more than 65 days and the LWDA has not notified anyone of an intent to investigate, Plaintiff may
28 now proceed with a PAGA complaint.

5. Plaintiff worked at MPI's Union Street location from September 2021 to August 2022.

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

7. First, Defendants did not allow Plaintiff and the aggrieved employees to clock in before their scheduled shifts, so they had to perform pre-shift work off the clock.

8. Second, Defendants required Plaintiff and the aggrieved employees to clock out at the end of scheduled shifts and continue working, so they had to perform post-shift work off the clock.

9. Third, when overtime was paid it was not paid at the correct regular rate of pay since it did not include car allowances and other non-discretionary payments.

10. Fourth, Plaintiff and the aggrieved employees were not able to take all meal breaks since Defendants' timekeeping system automatically locked them out for 30 minutes which resulted in shortened breaks; premium pay should have been paid at the correct regular rate of pay.

11. Fifth, Plaintiff and the aggrieved employees were not able to take ten-minute rest breaks; premium pay should have been paid at the correct regular rate of pay.

12. Sixth, Plaintiff and the aggrieved employees were not reimbursed for having to use their cell phones while working.

13. Seventh, Plaintiff and the aggrieved employees did not receive sick pay at the correct regular rate of pay.

FIRST CAUSE OF ACTION

PAGA Penalties

Against All Defendants

14. Plaintiff incorporates by reference paragraphs 1 to 13 of the complaint.

15. The PAGA penalties in Labor Code 1197.1 and 2699 apply to the pre-shift violations.

16. The PAGA penalties in Labor Code sections 558, 1197.1, and 2699 apply to the post-shift 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.

19. The PAGA penalties in Labor Code 2699 apply to the unreimbursed expenses violations.

1 20. The PAGA penalties in Labor Code section 2699 apply to the sick pay violations.

2 21. Plaintiff is also entitled to attorney fees and costs.

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4 Prayer

5 First Cause of Action

6 1. All applicable PAGA penalties

7 2. Attorney fees and costs

8 3. Other relief the court deems proper

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10 Date: January 16, 2023

FRONTIER LAW CENTER

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/s/ Adam Rose

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Attorney for Plaintiff

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German Rodriguez

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