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Case #25CV475136
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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

NINEL GALINDO, on behalf of herself and others similarly situated and the general public,

Plaintiff,

v.

AZASA INC. dba Teriyaki Madness; and DOES 1 through 25, inclusive,

Defendants.

Case No.: 25CV475136

CLASS ACTION COMPLAINT

(1) FAILURE TO PAY ALL WAGES
(2) FAILURE TO PAY OVERTIME COMPENSATION
(3) FAILURE TO PERMIT AND PROVIDE MEAL PERIODS
(4) FAILURE TO PERMIT AND PROVIDE REST BREAKS
(5) FAILURE TO PROVIDE ACCURATE ITEMIZED WAGE STATEMENTS
(6) WAITING TIME PENALTIES
(7) CIVIL PENALTIES - PRIVATE ATTORNEYS GENERAL ACT (PAGA)
(8) UNFAIR COMPETITION IN VIOLATION OF CAL. BUSINESS AND PROFESSIONS CODE §§ 17200 ET SEQ.

JURY TRIAL DEMANDED

I. INTRODUCTION

1. Plaintiff Ninel Galindo ("PLAINTIFF") submits this Complaint against Azasa Inc. ("DEFENDANT"), and DOES 1 through 25 (hereinafter "DOES") (collectively "DEFENDANTS"). The allegations below are made on PLAINTIFF'S information and belief.

2. This putative class action complaint is submitted by PLAINTIFF for the purpose of prosecuting claims on her behalf and on behalf of the putative class identified below. PLAINTIFF identifies violations of California Labor Code §§ 201–204, 221, 223, 226.7, 510, 512, 1174, 1194, 1197, and 1198; California Business and Professions Code § 17200 et seq.; Labor Code §§ 2698 et seq. (Private Attorneys General Act of 2004 or "PAGA"); and Industrial Welfare Commission Order No. 5-2001 regulating wages, hours, and working conditions in the Public Housekeeping Industry ("IWC Wage Order 5"). This complaint challenges systemic, illegal employment practices by DEFENDANTS resulting in violations of the foregoing statutes and authorities.

3. The "PAGA," codified in Cal. Labor Code §2698 et seq., allows a private citizen to pursue civil penalties on behalf of the State of California's Labor and Workforce Development Agency ("LWDA"). Aggrieved employees like PLAINTIFF are allowed to seek civil penalties not only for violations that she personally suffered but also for violations made against "other current or former employees" pursuant to Cal. Labor Code §2699(a).

II. JURISDICTION AND VENUE

4. Jurisdiction is proper in this Court because the alleged damages exceed thirty-five thousand dollars ($35,000.00).

5. Venue is proper because PLAINTIFF worked for DEFENDANTS in Santa Clara, California located within the county of Santa Clara, California.

III. PARTIES

6. PLAINTIFF is a competent individual who was employed by DEFENDANTS as a non-exempt, hourly employee.

7. DEFENDANT is registered with the state of California as a corporation.

8. DEFENDANT owns and operates restaurants doing business as Teriyaki Madness.

9. DEFENDANTS own and operate restaurants in the following cities in California: (1) 2020 Wyatt Drive, Santa Clara; (2) 850 Blossom Hill Road, San Jose; (3) 875 Middlefield Road, Redwood City; and (4) 1606 North Main Street, Salinas. DEFENDANTS could own other restaurants in California not listed here.

10. PLAINTIFF is informed and believes that DEFENDANTS are joint employers of PLAINTIFF in that they exercised direct control over PLAINTIFF'S wages, hours, and working conditions.

11. PLAINTIFF is informed and believes that DEFENDANTS are an integrated enterprise and integrated employer of PLAINTIFF in that DEFENDANTS share common management, interrelationship between operations, centralized control of labor relations, and common and/or financial control.

12. DEFENDANTS exercised direct control over the wages, hours, and working conditions of PLAINTIFF.

13. The actions of PLAINTIFF'S supervisors, managers, and/or other employees of DEFENDANTS were ratified by DEFENDANTS. At all relevant times, the employees, owners, supervisors, agents, and managers of DEFENDANTS acted within the course and scope of their employment.

14. At all times herein mentioned, DEFENDANTS are or were corporations, business entities, individuals, and/or partnerships, doing business in the State of California. As such and based upon all the facts and circumstances incident to DEFENDANTS' business in California, DEFENDANTS are subject to California laws that regulate the employment and working conditions of employees in California including but not limited to California Labor Code §§ 201-204, 221, 223, 226.7, 510, 512, 1174, 1194, 1197, and 1198, California Business and Professions Code § 17200, et seq., (Unfair Practices Act), and the IWC Wage Order 5.

15. PLAINTIFF does not know the true names or capacities of the DEFENDANTS sued herein as DOES 1 through 25, inclusive, and for that reason, said DEFENDANTS are sued under such fictitious names, and PLAINTIFF prays leave to amend this complaint when the true names and

capacities are known. PLAINTIFF believes and thereon alleges that each of said fictitious DEFENDANTS were responsible in some way for the matters alleged herein and proximately caused PLAINTIFF and members of the class to be subject to the illegal employment practices, wrongs and injuries complained of herein.

IV. STATEMENT OF FACTS

16. DEFENDANTS own and operate various restaurants in California doing business as Teriyaki Madness. DEFENDANTS own and operate restaurants in the cities of Santa Clara, San Jose, Redwood City, and Salinas. It is possible that DEFENDANTS own and operate other restaurants in California.

17. PLAINTIFF started working for DEFENDANTS in or around April 2023. DEFENDANTS hired PLAINTIFF as a cashier and food preparer.

18. PLAINTIFF worked at DEFENDANTS' restaurants in Santa Clara, Redwood City, and San Jose, California.

19. The class period ("CLASS PERIOD") is the four years preceding the filing of this action, through the present.

20. During PLAINTIFF'S and putative class members' employment with DEFENDANTS, PLAINTIFF and putative class members often worked in excess of eight (8) hours in one workday and worked in excess of forty (40) hours in one workweek. Sometimes, PLAINTIFF and putative class members worked over twelve (12) hours in a workday. At times, PLAINTIFF and putative class members worked seven (7) days in a workweek, and over eight (8) hours during the seventh day. DEFENDANTS failed to compensate PLAINTIFF and putative class members at their proper overtime and double time rates.

21. PLAINTIFF and putative class members worked more than five-hour shifts and sometimes worked more than ten hours in a workday. PLAINTIFF and putative class members were entitled to at least one meal break, sometimes two. DEFENDANTS' practices resulted in PLAINTIFF'S and putative class members' meal periods being late, shorter than thirty minutes, or missed.

22. During the course of their employment, DEFENDANTS failed to provide or authorize PLAINTIFF and putative class members to take proper ten (10) minute rest breaks for every four (4) hours of work or major fraction thereof, as required under California law.

23. DEFENDANTS failed to compensate PLAINTIFF and putative class members an hour of pay at their regular rate of compensation for each day that PLAINTIFF and putative class members were not provided with proper meal periods and rest breaks.

24. DEFENDANTS have failed to issue accurate, itemized wage statements to PLAINTIFF and putative class members. The wage statements provided by DEFENDANTS were not accurate in that they do not reflect the required compensation for all hours worked, overtime, and/or meal and rest period premium pay owed. Therefore, PLAINTIFF and putative class members have not been able to ascertain if they have been properly compensated each pay period.

25. PLAINTIFF and separated putative class members (those who are no longer employed by DEFENDANTS) are owed waiting time penalties because, upon their separation, they were not paid all money and compensation owed to them, including regular wages, overtime compensation, and meal and rest period premiums.

V. CLASS ACTION ALLEGATIONS

26. **DEFINITION:** PLAINTIFF brings this action on behalf of herself and a putative class of similarly situated employees pursuant to California Code of Civil Procedure § 382. The class is defined as:

> **"All current and former hourly or non-exempt employees of DEFENDANTS who worked in California at any time from four years prior to the filing of this action through entry of judgment."**

27. **NUMEROSITY AND ASCERTAINABILITY:** The members of the class are so numerous that joinder of all members would be impractical, if not impossible. PLAINTIFF is informed and believes that there are over one hundred (100) employees working for DEFENDANTS in California at any one time. The identity of putative class members is readily ascertainable by reviewing

DEFENDANTS' records. Notice can be provided to DEFENDANTS' employees using techniques and a form of notice similar to those customarily used in class action lawsuits.

28. PLAINTIFF is informed, believes, and based thereon alleges that DEFENDANTS' employees are denied: a) pay for all hours worked; b) overtime compensation; c) meal period premium pay; d) rest period premium pay; e) accurate, itemized wage statements; and f) waiting time penalties.

29. **ADEQUACY OF REPRESENTATION**: PLAINTIFF is a member of the putative class. PLAINTIFF does not have any conflicts of interest with other putative class members and will prosecute the case vigorously on behalf of the putative class. PLAINTIFF will fairly and adequately represent and protect the interests of putative class members. PLAINTIFF'S counsel is competent and experienced in litigating wage and hour class actions.

30. **SUPERIORITY OF CLASS ACTION**: A class action is superior to all other available means of fair and efficient adjudication of this controversy. Individual joinder of all putative class members is not practicable, and questions of law and fact common to the putative class predominate over any questions affecting only individual members of the class. DEFENDANTS' employees have been damaged and are entitled to recovery because of DEFENDANTS' unlawful policies and/or practices described herein. Because the damages suffered by individual putative class members may be relatively small, albeit significant, the expense and burden of individual litigation make it impractical for most putative class members to seek individual redress for the wrongful conduct alleged. Class action treatment will allow those similarly situated persons to litigate their claims in the manner that is most efficient and economical for the parties and the judicial system.

31. The Labor Code and IWC Wage Order 5 are broadly remedial in nature. These laws and labor standards serve an important public interest in establishing minimum working conditions and standards in California. These laws and labor standards protect the average working employee from exploitation by employers who may seek to take advantage of superior economic conditions and bargaining power in setting onerous terms and conditions of employment.

32. The nature of this action and the format of laws available to PLAINTIFF and members of the putative class identified herein make the class action format a particularly efficient and appropriate

procedure to redress the wrongs alleged herein. If each employee were required to file an individual lawsuit, the corporate DEFENDANTS would necessarily gain an unconscionable advantage since it would be able to exploit and overwhelm the limited resources of each individual plaintiff with their vastly superior financial and legal resources. Requiring each putative class member to pursue an individual remedy would also discourage the assertion of lawful claims by employees who would be disinclined to file an action against their former and/or current employer for real and justifiable fear of retaliation and permanent damage to their careers at subsequent employment.

33. The prosecution of separate actions by individual putative class members, even if possible, would create a substantial risk of: (a) inconsistent or varying adjudications with respect to individual putative class members against the DEFENDANTS, which would establish potentially incompatible standards of conduct for the DEFENDANTS; and/or (b) adjudications with respect to individual putative class members which would, as a practical matter, be dispositive of the interest of the other putative class members not parties to the adjudications, or which would substantially impair or impede the ability of DEFENDANTS' aggrieved employees to protect their interests. Further, the claims of the individual members of the putative class are not sufficiently large to warrant vigorous individual prosecution considering all of the concomitant costs and expenses.

34. **COMMON QUESTION OF LAW AND FACT:** There are questions of law and fact common to putative class members that predominate over any questions affecting only individual members of the class. These common questions of law and fact include:

a) Whether DEFENDANTS have failed to pay employees for all hours worked;

b) Whether DEFENDANTS have failed to pay employees overtime compensation;

c) Whether DEFENDANTS have failed to provide compensation to employees who were not provided rest periods in accordance with applicable law;

d) Whether DEFENDANTS have failed to provide compensation to employees who were not provided meal periods in accordance with applicable law;

e) Whether wage statements provided to DEFENDANTS' employees are adequate under applicable law, and whether employees are entitled to receive statutory penalties from DEFENDANTS for each wage statement violation committed;

f) Whether DEFENDANTS willfully failed to pay all wages due to DEFENDANTS' employees who were discharged or quit, and whether such employees are entitled to receive statutory penalties from DEFENDANTS for each violation committed.

35. **TYPICALITY:** PLAINTIFF'S claims are typical to the claims of all members of the putative class. PLAINTIFF is a member of the putative class and has suffered the alleged, class-wide violations described herein.

VI. CAUSES OF ACTION

FIRST CAUSE OF ACTION

(*Unpaid Wages*)

36. PLAINTIFF realleges and incorporates by reference the allegations of paragraphs above.

37. Pursuant to Labor Code §§ 1194 and 1194.2 and the IWC Wage Order 5, notwithstanding any agreement to work for a lesser wage, any employee receiving less than the legal minimum wage for any work performed is entitled to recover the unpaid balance of the full amount of this minimum wage, liquidated damages, including interest thereon, reasonable attorney's fees, and costs of suit.

38. DEFENDANTS have failed to pay PLAINTIFF and putative class members for all hours worked at least at minimum wage.

39. PLAINTIFF, on behalf of herself and putative class members, requests relief as described below.

SECOND CAUSE OF ACTION

(Unpaid Overtime Compensation)

40. PLAINTIFF realleges and incorporates the above allegations by reference.

41. Pursuant to IWC Wage Order 5 and Cal. Labor Code §§ 500, 510, and 1194, PLAINTIFF and putative class members are owed overtime compensation for all overtime hours worked.

42. During the CLASS PERIOD, DEFENDANTS failed to compensate PLAINTIFF and putative class members all owed overtime compensation.

43. PLAINTIFF and putative class members worked overtime hours, but they were not paid correctly because of DEFENDANTS' failure to properly account all hours worked by PLAINTIFF and putative class members; this resulted in their unlawful underpayment.

44. As a result, PLAINTIFF and putative class members have been deprived overtime compensation in an amount determined at trial, and are entitled to recovery of such amounts, plus interest thereon, under Labor Code § 1194.

THIRD CAUSE OF ACTION

(Failure to Pay Compensation for Missed & Improper Meal Periods)

45. PLAINTIFF realleges and incorporates the above allegations by reference.

46. Pursuant to Labor Code §§ 226.7, 512, and IWC Wage Order 5, DEFENDANTS were required to provide uninterrupted, duty-free 30-minute meal periods for shifts over five (5) hours, and a second meal period for shifts over ten (10) hours.

47. DEFENDANTS violated these provisions by failing to provide compliant meal periods and by failing to pay one (1) additional hour at the employee's regular rate of compensation for each workday a compliant meal period was not provided.

48. PLAINTIFF, on behalf of herself and putative class members, requests relief as described below.

FOURTH CAUSE OF ACTION

(Failure to Pay Compensation for Missed & Improper Rest Periods)

49. PLAINTIFF realleges and incorporates the above allegations by reference.

50. Pursuant to Labor Code § 226.7(a) and the IWC Wage Order 5, DEFENDANTS are required to authorize and permit PLAINTIFF and putative class members the opportunity to take rest periods based upon total hours worked, at a rate of ten (10) minutes net rest time per four (4) hours worked or major fraction thereof, with no deduction from wages.

51. DEFENDANTS failed to authorize and permit ten (10) minute, duty-free rest periods for every four (4) hours worked or major fraction thereof.

52. DEFENDANTS further failed to pay one (1) additional hour at the employee's regular rate of compensation for each workday a compliant rest period was not provided, in violation of Labor Code § 226.7 and IWC Wage Order 5.

53. PLAINTIFF, on behalf of herself and putative class members, requests relief as described below.

FIFTH CAUSE OF ACTION

(*Inaccurate Wage Statements*)

54. PLAINTIFF realleges and incorporates the above allegations by reference.

55. As a pattern and practice, DEFENDANTS knowingly and intentionally failed to furnish itemized wage statements that accurately stated, among other things, total hours worked, applicable hourly rates and corresponding hours, all gross and net wages earned (including premium pay), and all other information required by Labor Code § 226(a).

56. As a result, PLAINTIFF and putative class members suffered injury because they could not promptly and easily determine from the face of the wage statements the wages earned and paid and whether all premiums and overtime were included. PLAINTIFF and putative class members are entitled to the greater of actual damages or statutory penalties under Labor Code § 226(e), plus reasonable attorneys' fees and costs.

SIXTH CAUSE OF ACTION

(Waiting Time Penalties)

57. PLAINTIFF realleges and incorporates the above allegations by reference.

58. California Labor Code § 201 requires an employer who discharges an employee to pay all compensation due to that employee immediately upon discharge.

59. California Labor Code § 202 requires an employer to pay all compensation due to employees who quit within 72 hours of that employee quitting, unless the employee provides at least 72

hours' notice of quitting, in which case all compensation is due at the end of the employee's final day of work.

60. Labor Code § 203 provides that if an employer willfully fails to pay compensation as required by § 201 or § 202, then the employer is liable for waiting time penalties in the form of continued compensation of up to 30 workdays.

61. DEFENDANTS willfully failed to pay, without abatement or reduction, all wages due at separation, including unpaid minimum, overtime, and meal/rest premium wages, despite having the ability to do so.

62. As a result, DEFENDANTS are liable to PLAINTIFF and other separated employees of DEFENDANTS for waiting time penalties pursuant to Labor Code § 203.

SEVENTH CAUSE OF ACTION

(Civil Penalties Pursuant to Private Attorneys General Act Labor Code §§ 2698, et seq.)

63. PLAINTIFF realleges and incorporates the above allegations by reference.

64. The foregoing violations of statutes and regulations permit PLAINTIFF to recover civil penalties through this action on behalf of herself and other current and former employees of DEFENDANTS. PAGA imposes a civil penalty of one hundred dollars ($100) per pay period, per aggrieved employee for initial violations, and two hundred dollars ($200) per pay period, per aggrieved employee for subsequent violations, for all Labor Code provisions for which a civil penalty is not specifically provided.

65. DEFENDANTS' violations of California wage and hour laws enable PLAINTIFF to recover civil penalties as an aggrieved employee on behalf of herself and other current and former employees of DEFENDANTS.

66. PLAINTIFF has complied with the procedural requirements specified in Labor Code §2699.3. PLAINTIFF has therefore exhausted all administrative procedures required under Labor Code §§2698, 2699 and 2699.3, and is justified as a matter of right in bringing forward this cause of action.

67. On June 26, 2025, PLAINTIFF, through counsel, submitted a PAGA notice online to the Labor and Workforce Development Agency pursuant to Labor Code § 2699.3, and on the same day

provided a copy of that notice to DEFENDANTS. A true and correct copy of the notice is attached as Exhibit "A".

68. More than sixty-five (65) days have elapsed since submission of the notice, and the LWDA has not provided notice of intent to investigate. PLAINTIFF therefore may commence a civil action pursuant to Labor Code § 2699.3(a)(2)(A).

69. As a result of DEFENDANTS' violations of numerous provisions of the Labor Code, PLAINTIFF seeks all civil penalties, reasonable attorneys' fees, and costs available pursuant to Labor Code § 2699.

70. PLAINTIFF is likely to have evidentiary support, after research and reasonable opportunity for further investigation and discovery, to further prove penalties and violations. PLAINTIFF will amend this complaint if appropriate and required to seek all applicable penalties for violations which the LWDA has failed to investigate and/or failed to issue a citation.

EIGHTH CAUSE OF ACTION

(Business and Professions Code § 17200 et seq. violations.)

71. California Business and Professions Code § 17200 et seq. prohibits acts of unfair competition including any "unlawful and unfair business practices."

72. The conduct of DEFENDANTS, as alleged herein, has been and continues to be unfair, unlawful, and deleterious to PLAINTIFF and putative class members, and to the general public.

73. PLAINTIFF seeks to enforce important rights affecting the public interest within the meaning of Code of Civil Procedure § 1021.5. PLAINTIFF is a "person" within the meaning of Business and Professions Code § 17204 and therefore has standing to seek injunctive relief and restitution.

74. Through the conduct alleged herein, DEFENDANTS acted contrary to these public policies and have thus engaged in unlawful and/or unfair business practices in violation of Business and Professions Code §§ 17200 et seq. depriving PLAINTIFF and putative class members the rights, benefits, and privileges guaranteed to employees under California law.

75. Beginning at an exact date unknown to PLAINTIFF, but at least four years prior to the filing of this action, DEFENDANTS have committed unlawful, unfair, and/or fraudulent business acts and practices as defined by Cal. Business & Professions Code § 17200, by engaging in the following:

- Failing to pay all hours worked at the proper rate for PLAINTIFF and putative class members;
- Failing to pay all overtime worked at the proper rate for PLAINTIFF and putative class members;
- Failing and refusing to authorize and permit proper rest breaks to PLAINTIFF and putative class members;
- Failing to pay all accrued rest break compensation to PLAINTIFF and putative class members;
- Failing and refusing to authorize and permit proper meal breaks to PLAINTIFF and putative class members;
- Failing to pay all accrued meal break compensation to PLAINTIFF and putative class members;
- Failing to provide accurate itemized wage statements to PLAINTIFF and putative class members; and
- Failing to pay all wages owed to PLAINTIFF and putative class members at the end of their employment.

76. By engaging in these business practices, which are unfair and unlawful within the meaning of Business and Professions Code §§ 17200 et seq., DEFENDANTS harm PLAINTIFF, putative class members, and the general public, and have gained an unfair competitive edge.

77. Under Business and Professions Code § 17203, PLAINTIFF is entitled to obtain restitution on behalf of herself and others similarly affected by the unfair and/or unlawful business practices as set forth herein.

78. Under Business and Professions Code §§ 17202–17203, PLAINTIFF seeks restitution and injunctive and declaratory relief, and any other equitable relief the Court deems proper, on behalf of herself and others similarly affected.

79. Under Business and Professions Code § 17203, PLAINTIFF seeks restitution and other equitable relief on behalf of herself and others similarly affected by DEFENDANTS' unfair and/or unlawful business practices, in amounts to be proven at trial.

80. PLAINTIFF alleges, on information and belief, that DEFENDANTS, and persons acting in concert with them, have committed and will continue to commit the above-described unlawful and/or unfair acts unless restrained or enjoined by this Court. Unless the relief prayed for below is granted, a multiplicity of actions will result. PLAINTIFF and other interested persons have no plain, speedy, or adequate remedy at law, in that pecuniary compensation alone would not afford adequate and complete relief. The above-described acts will cause great and irreparable damage to PLAINTIFF and other interested persons unless DEFENDANTS are restrained from committing further illegal acts.

81. PLAINTIFF'S success in this action will result in the enforcement of important rights affecting the public and will confer a significant benefit upon the general public. Private enforcement of the rights enumerated in this Complaint are necessary, as public agencies have only sought limited enforcement of those rights, if any. The named PLAINTIFF individually, and by and through counsel, are incurring a financial burden in pursuing this action on behalf of the general public. PLAINTIFF seeks to enjoin the above-referenced unlawful actions under California's Labor Code and Industrial Welfare Commission Wage Orders. Therefore, PLAINTIFF seeks an award of attorneys' fees and costs of suit on this action pursuant to California Code of Civil Procedure § 1021.5 and other applicable laws.

VII. PRAYER

WHEREFORE, PLAINTIFF, on her own behalf and on behalf of the members of the putative class, prays for judgment as follows:

1. For an order certifying the proposed class;
2. For compensatory and consequential damages;
3. Prejudgment interest pursuant to Labor Code § 218.6 and Civil Code § 3287;

4. Unpaid minimum and overtime wages under Labor Code § 1194 and IWC Wage Order 5 for the four years preceding filing, plus interest;

5. One hour of pay at the regular rate of compensation for each day meal and/or rest periods were not provided, under Labor Code § 226.7 and IWC Wage Order 5;

6 Waiting time penalties pursuant to Labor Code §§ 201–203;

7. Pursuant to Business & Professions Code § 17203, an award of restitution of the amounts unjustly earned or retained by DEFENDANTS by virtue of their unlawful conduct, according to proof;

8. Attorneys' fees and costs pursuant to Labor Code §§ 1194, 226(e), Code of Civil Procedure § 1021.5, and any other applicable authority;

9. Such other and further relief as the Court deems just and proper.

Dated: September 15, 2025 LIBERATION LAW GROUP, P.C.

By: _____
Arlo Garcia Uriarte
Attorney for PLAINTIFF

DEMAND FOR JURY TRIAL

PLAINTIFF hereby demands a trial by jury.

Dated: September 15, 2025 LIBERATION LAW GROUP, P.C.

By: _____
Arlo Garcia Uriarte
Attorney for PLAINTIFF

Exhibit A

Liberation Law Group, P.C.
2760 Mission Street
San Francisco, CA 94110

Azasa, Inc. dba Teriyaki Madness
Attn: Avez Bashadi
Principal and Agent for Service of Process
1674 Noreen Drive
San Jose, CA 95124

Teriyaki Madness Franchising, LLC
Attn: Legal Department
950 S. Cherry Street, #850
Denver, CO 80246

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2760 Mission Street · San Francisco, CA 94110 · 415 695-1000

June 26, 2025

Notice Via Online Submission
California Labor and Workforce Development Agency

Via Certified U.S. Mail
Azasa, Inc. dba Teriyaki Madness
Attn: Avez Bashadi
Principal and Agent for Service of Process
1674 Noreen Drive
San Jose, CA 95124

Teriyaki Madness Franchising, LLC
Attn: Legal Department
950 S. Cherry Street, #850
Denver, CO 80246

Re: Ninel Galindo, on behalf of herself and all similarly aggrieved employees vs. Azasa, Inc. dba Teriyaki Madness, and Teriyaki Madness Franchising, LLC

Dear PAGA Administrator:

Ms. Ninel Galindo ("Plaintiff") submits this notice of Labor Code and Industrial Welfare Commission Wage Order violations committed by Azasa, Inc. dba Teriyaki Madness, and Teriyaki Madness Franchising, LLC (collectively referred to as "Defendants"). Plaintiff seeks to represent herself and other similarly aggrieved employees of Defendants in a Private Attorneys General Act ("PAGA") action against Defendants (Labor Code §§ 2698, *et seq.*). For purpose of this notice, "similarly aggrieved employees" includes all of Defendants' current and former non-exempt employees in California.

Factual Statement

Defendants own and operate restaurants in the state of California under the franchise name Teriyaki Madness. In or around April 2023, Plaintiff was hired by Defendants as a non-exempt cashier, kitchen, and general help to work in their Santa Clara branch. Plaintiff, thereafter, also worked in other branches of Defendants. As further detailed below, Defendants failed to compensate Plaintiff and similarly aggrieved employees for all work performed, at overtime rates where applicable, and provide Plaintiff adequate meal periods and rest periods. These principal violations have also led Defendants to provide inaccurate wage statements, fail to pay all final wages, and keep inaccurate records.

Labor Code §§ 510, 1194 and Wage Order 5 (Unpaid Wages, Unpaid Overtime, Off-the-Clock, Improper Rounding)

Labor Code sections 500, 510(a), 515, 1194, and Industrial Welfare Commission Order No. 5-2001 ("Wage Order 5") require employers to pay overtime wages for hours worked over eight (8) hours per day or over forty (40) hours per week. Here, Defendants failed to compensate overtime work at the required overtime rate to Plaintiff and similarly aggrieved employees.

Defendants have violated the following civil penalty provisions: Labor Code Sections 558, 2699(f) and Wage Order 5, Section 20. Please note that other civil penalty provisions may additionally apply.

Labor Code §§ 226.7, 512 and Wage Order 5 (Meal and Rest Periods Violations)

Defendants are required to provide employees a 30-minute, uninterrupted meal period "after no more than five hours of work," and "a second meal period after no more than 10 hours work." [*Id.* at 1049]. If rest or meal breaks are late, missed, or too short, the employer is liable for an hour of pay at the employee's regular rate (Labor Code § 226.7; Wage Order 5). Defendants must also authorize and permit employees at least ten (10) minute rest for shifts from three and one-half to six hours in length, twenty (20) minutes for shifts of more than six hours up to ten (10) hours. [*Brinker Restaurant Corp. v. Superior Court*, 53 Cal. 4th 1004,1029 (2012)]. Here, Defendants failed to provide, authorize, and permit Plaintiff and similarly aggrieved employees with proper meal and rest periods.

Defendants often provided Plaintiff and similarly aggrieved employees late meal periods or after their sixth hour of work, and/or meal periods that were too short or less than thirty minutes.

Defendants failed to provide lawful rest breaks to Plaintiff and similarly aggrieved employees. Defendants did not have a practice to provide consistent rest periods to its employees. Employees were unable to take rest periods on their own accord because of heavy work assignments and understaffing.

Defendants have violated the following civil penalty provisions: Labor Code Sections 558, 2699(f) and Wage Order 5, Section 20. Please note that other civil penalty provisions may additionally apply.

Labor Code § 226 (Wage Statements)

California employers are required to provide itemized wage statements showing, among other things, "total hours worked by the employee" and "all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate by the employee." [Cal. Labor Code § 226(a)(2)(9)]. Here, Defendants failed to provide Plaintiff and similarly aggrieved employees with accurate, itemized wage statements that noted their actual hours work and correct corresponding pay, including owed meal and rest period premiums.

Defendants have violated the following civil penalty provisions: Labor Code Sections 226.3 and 2699(f). Please note that other civil penalty provisions may additionally apply.

Labor Code §§ 201-203 (Final Wages)

An employer must pay all wages due to involuntarily terminated employees at the time of termination, or within 72 hours to employees voluntarily terminating. [Cal. Labor Code § 201-202]. If an employer willfully fails to timely pay all wages to separated employees, the wages continue at the same rate for up to 30 days until paid. [Cal. Labor Code § 203]. As a result of its failure to pay all wages earned, including break premiums, Defendants have failed to pay all final wages due to Plaintiff and other separated similarly aggrieved employees and have violated Sections 201-203 of the Labor Code.

Defendants have violated the following civil penalty provisions: Labor Code Section 2699(f). Please note that other civil penalty provisions may additionally apply.

Labor Code § 1174 and Wage Order 5 (Payroll Records)

Labor Code section 1174 requires employers to keep "payroll records showing the hours worked daily by and the wages paid to the employee." An employer may be liable under Section 1174 if it fails to record when employees report to work, the start and end time of their shifts, and the total hours worked or meal periods. [*See*, *Carrillo v. Schneider Logistics, L.P.*, 823 F. Supp.2d 1040, 1044 (2011)]. Wage Order 5, Section 7, requires employers to keep accurate information regarding employee shift beginning and end times, meal periods, total daily hours worked, total hours worked during the pay period and applicable rates of pay, and total wages paid each pay period, among other items. Defendants failed to keep proper timekeeping records and failed to provide Plaintiff and similarly aggrieved employees with accurate accounting of actual hours worked, with corresponding wage rates.

Defendants have violated the following civil penalty provisions: Labor Code Sections 1174.5, 2699(f) and Wage Order 5, Section 20. Please note that other civil penalty provisions may additionally apply.

Sincerely,



Arlo G. Uriarte
Attorney for Plaintiff