

E-FILED
4/6/2023 12:30 PM
Clerk of Court
Superior Court of CA,
County of Santa Clara
23CV413874
Reviewed By: R. Walker

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA**

REBECCA BARTHOLOMEW, as a private
attorney general,

Plaintiff,

vs.

TESLA, INC., a Delaware corporation; and DOES
1 through 50, inclusive,

Defendants.

Case No. 23CV413874

**REPRESENTATIVE ACTION COMPLAINT
UNDER THE LABOR CODE PRIVATE
ATTORNEYS GENERAL ACT OF 2004**

DEMAND OVER \$25,000.00

1 Plaintiff, Rebecca Bartholomew, as a proxy for the State of California, submits this Complaint
2 against Defendant, Tesla, Inc., and Does 1 through 50 (collectively, "Defendants").

3 INTRODUCTION

4 1. Pursuant to the Labor Code Private Attorneys General Act of 2004, Labor Code §§ 2698
5 et seq. ("PAGA"), this representative action Complaint seeks penalties and other relief for Defendants'
6 violations of the California Labor Code. Defendants' systemic employment practices have deprived
7 aggrieved employees of the benefits and protections of Labor Code section 2802, among other
8 provisions.¹

9 2. Plaintiff is informed and believes that Defendants have jointly and severally acted
10 intentionally and with deliberate indifference and conscious disregard to the rights of employees by
11 failing to reimburse necessary and reasonable business expenses.

12 3. Defendants routinely fail to reimburse Plaintiff and other employees for necessary
13 business expenses incurred in performing their work for Defendants. Specifically, Defendants require
14 employees to undergo training on Tesla vehicles and take Tesla-specific classes at various colleges.
15 Employees are required to pay tuition for such training and classes but are not reimbursed for any of the
16 tuition fees paid for such training and classes.

17 4. The Labor Code is broadly remedial in nature. Its laws serve an important public interest
18 in establishing minimum working conditions and requirements in California. These labor standards
19 protect employees from onerous terms and conditions of employment or exploitation by employers who
20 have superior economic and bargaining power. Plaintiff is informed and believes that Defendants have
21 engaged in, among other things, a system of willful violations of the Labor Code by creating and
22 maintaining policies, practices, and customs that knowingly deny its employees the above stated rights
23 and benefits.

24 5. Defendants' pattern, practice, and uniform administration of corporate policy in violation
25 of the Labor Code is unlawful. Proof of a common business practice or factual pattern will establish
26 entitlement under Section 2802, applicable IWC Wage Orders, and Code of Civil Procedure section
27 1021.5 to recover applicable penalties, reasonable attorneys' fees, and costs of suit.

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¹ Except as otherwise noted, all "Section" references are to the Labor Code.

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7. Venue is proper in the County of Santa Clara. Defendants require aggrieved employees to incur unreimbursed expenses in San Jose, California.

8. Plaintiff began working for Defendants in 2022. As a START Technician, Plaintiff was paid on an hourly basis as a non-exempt employee. In or around June of 2022, Defendants required Plaintiff to undergo training on Tesla vehicles and take Tesla-specific classes at a college. Plaintiff was required to pay tuition for such training and classes but was not reimbursed for any of the tuition fees paid for such training and classes. Plaintiff thus is a victim of the policies, practices, and customs of Defendants complained of in this action in ways that have deprived Plaintiff of rights guaranteed by the Labor Code.

10. Plaintiff does not know the true names or capacities of the defendants sued herein as Does 1 through 50, whether individual, partner, or corporate, and for that reason, said defendants are sued under such fictitious names. Plaintiff prays for leave to amend this Complaint when the true names and capacities are known. Plaintiff is informed and believes that each of said fictitious defendants was responsible in some way for the matters alleged herein and proximately caused the illegal employment practices, wrongs, and injuries complained of herein.

11. At all times herein mentioned, each of said Defendants participated in the doing of the acts alleged herein. Defendants, and each of them, were the agents, servants, or employees of each of

1 the other Defendants, as well as the agents of all Defendants, and were acting within the course and
2 scope of said agency and employment.

3 12. Plaintiff is informed and believes that at all times material hereto, each of said
4 Defendants was the agent, employee, alter ego, or joint venture of, or was working in concert with, each
5 of the other Defendants and was acting within the course and scope of such agency, employment, joint
6 venture, or concerted activity. To the extent said acts, conduct, or omissions were perpetrated by certain
7 Defendants, each of the remaining Defendants confirmed and ratified said acts, conduct, or omissions of
8 the acting Defendants.

9 13. Plaintiff is informed and believes that at all times material hereto each of the Defendants
10 (i) aided and abetted the acts and omissions of each of the other Defendants in proximately causing the
11 alleged harms, or (ii) were members of, engaged in, and acting within the course and scope of, and in
12 pursuance of, a joint venture, partnership, or common enterprise.

13 **PAGA ALLEGATIONS**

14 14. Pursuant to PAGA, Plaintiff sues as a proxy for the State of California. Plaintiff seeks
15 penalties for Defendants' violations of Section 2802 committed against all aggrieved employees since
16 January 31, 2022.

17 15. On or about January 31, 2023, Plaintiff sent written notice to the Labor & Workforce
18 Development Agency ("LWDA") of Defendants' violations of Section 2802. Plaintiff simultaneously
19 sent written notice to Defendants via certified mail. The LWDA has not elected to investigate the
20 allegations. As such, Plaintiff seeks recovery of all applicable penalties for Defendants' violations
21 against all aggrieved employees for the period described above.

22 **FIRST CAUSE OF ACTION**

23 **Penalties for Labor Code Violation (Lab. Code §§ 2698 et seq.)**

24 **(By Plaintiff as a Proxy for the State Against All Defendants)**

25 16. The preceding paragraphs are re-alleged and incorporated by this reference.

26 17. Section 2802 requires that an employer reimburse employees for all necessary
27 expenditures and losses incurred in the performance of their jobs. Section 2802 is intended to prevent
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1 employers from placing their operating expenses and costs of doing business on employees. *Cochran v.*
2 *Schwan's Home Service, Inc.*, 228 Cal. App. 4th 1137, 1144 (2014).

3 18. As a matter of policy and practice, Defendants fail to reimburse aggrieved employees for
4 necessary business expenses incurred in performing their work for Defendants. Specifically, Defendants
5 require employees to undergo training on Tesla vehicles and take Tesla-specific classes at various
6 colleges. Employees are required to pay tuition for such training and classes but are not reimbursed for
7 any of the tuition fees paid for such training and classes. Defendants thus violate Sections 2802.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff prays for judgment for himself as a proxy for the State and all others on
10 whose behalf this suit is brought against Defendants, jointly and severally, as follows:

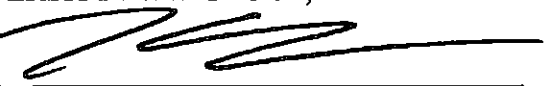
11 1. Upon the First Cause of Action for penalties according to proof pursuant to Section
12 2699(a), (f), and (g), and for costs and attorneys' fees;

13 2. Upon each cause of action for attorneys' fees and costs as provided by Section 2699,
14 Code of Civil Procedure section 1021.5, and any other applicable laws; and

15 3. For such other and further relief that the Court may deem just and proper.

16 DATED: April 6, 2023

DIVERSITY LAW GROUP, P.C.

17 By: 
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Larry W. Lee

Simon L. Yang

19 Attorneys for Plaintiff
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