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10 KIMBERLY LAMBERTINIS

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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
COUNTY OF SAN DIEGO

13 KIMBERLY LAMBERTINIS, an individual, for
14 the real party in interest, the State of California,

15 Plaintiff,

16 vs.

17 SODEXO, INC.; and DOES 1 through 50,

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19 Defendants.
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ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

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Clerk of the Superior Court
By Marfil Estrada, Deputy Clerk

Case No. 37-2023-00018293-CU-OE-CTL

REPRESENTATIVE ACTION

**COMPLAINT FOR VIOLATIONS OF THE
PRIVATE ATTORNEYS GENERAL ACT
(Labor Code Section 2698 *et seq.*)**

1 Plaintiff KIMBERLY LAMBERTINIS (“Plaintiff”), in her capacity as the State of
2 California’s designated agent and/or proxy under the Private Attorneys General Act (PAGA), and on
3 behalf of other current and former California employees (“Represented Employees”) alleges the
4 following:

5 **NATURE OF THE ACTION**

6 1. Pursuant to the PAGA, incorporated in Labor Code sections 2698, 2699 *et seq.*,
7 Plaintiff brings this representative action against Defendant SODEXO, INC., (“SODEXO”) and
8 DOES 1 through 50 (all defendants are hereinafter collectively referred to as “Defendants”) for wage
9 and hour violations of the California Labor Code and the applicable Industrial Welfare Commission
10 Wage Order (the “IWC Wage Order”).

11 2. Pursuant to Labor Code section 2699 *et seq.*, any provision of the Labor Code that
12 provides for a civil penalty to be assessed and collected by the Labor and Workforce Development
13 Agency (“LWDA”) or any of its departments, divisions, commissions, boards, agencies or employees
14 for violation of the code may, as an alternative, be recovered through a civil action brought by an
15 aggrieved employee on behalf of himself or herself and other current or former employees pursuant
16 to the procedures specified in Labor Code section 2699.3.

17 3. Through this representative action, Plaintiff seeks to recover civil penalties under the
18 PAGA. No class certification is required. (*Arias v. Superior Court* (2009) 46 Cal.4th 969.)

19 **JURISDICTION AND VENUE**

20 4. Pursuant to Article VI, section 10 of the California Constitution, subject matter
21 jurisdiction is proper here because Plaintiff alleges claims arising under California law.

22 5. This Court has jurisdiction over Defendants because each is believed to be an
23 association, corporation, business entity, or individual that conducts substantial business in the State
24 of California, County of San Diego.

25 6. This Court has jurisdiction over Plaintiff’s claim for civil penalties under the PAGA.

26 7. Pursuant to California Code of Civil Procedure section 395, venue is proper in the
27 Superior Court of California for the County of San Diego because this is where the alleged wrongful
28 misconduct alleged herein occurred.

THE PARTIES

8. The State of California is the real party in interest in a PAGA action. (*Kim v. Reins Int'l California, Inc.* (2020) 9 Cal.5th 73, 81 [The “government entity on whose behalf the plaintiff files suit is always the real party in interest.”].)

9. Plaintiff is an “aggrieved employee” because she was employed by Defendants and had one or more of the alleged violations committed against her, and therefore is properly suited to act on behalf the state, and collect civil penalties for all violations committed against the Represented Employees, who are also aggrieved employees as defined by Labor Code section 2699(c).

10. Plaintiff worked for Defendants during which time she was paid hourly and was considered non-exempt.

11. Defendants are doing business throughout the state of California, including the County of San Diego.

12. The true names and capacities, whether individual, corporate, associate or otherwise of the Defendant named herein as DOES 1 through 50, are unknown to Plaintiff at this time. Plaintiff therefore sues said Defendant by such fictitious names pursuant to California Code of Civil Procedure section 474. Plaintiff will seek leave to amend the operative complaint to allege the true names and capacities of DOES 1 through 50 when their names are ascertained. Plaintiff is informed and believes, and based thereon allege, that each of the DOE Defendant is in some manner liable to Plaintiff for the events and actions alleged herein.

13. Plaintiff is informed and believes, and based thereon allege, that at all times, each Defendant was acting as an agent, joint venturer, integrated enterprise and/or alter ego for each of the other defendant and each were co-conspirators with respect to the acts and the wrongful conduct alleged herein so that each is responsible for the acts of the other in connection with the conspiracy and in proximate connection with the other defendant.

14. Plaintiff is informed and believes, and based thereon alleges, that each Defendant was acting partly within and partly without the scope and course of their employment, and was acting with the knowledge, permission, consent, and ratification of every other Defendant.

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1 15. At all material times, Defendants were and/or are Represented Employees' employers
2 or persons acting on behalf of Represented Employees' employer, under California law, including the
3 IWC Wage Order and Labor Code sections 558 and 558.1, and thus are jointly and severally liable
4 for the violations alleged herein and any amounts awarded and/or recoverable as a result of this action.

5 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

6 16. On February 17, 2023, Plaintiff, via counsel, sent the statutorily required notice to the
7 LWDA ("PAGA Notice"), indicating that Plaintiff intends to pursue claims against Defendants for
8 violations of the Labor Code.

9 17. On February 17, 2023, Plaintiff, via counsel, sent a copy of the PAGA Notice to
10 Defendant SODEXO.

11 18. The statutory period expired since Plaintiff sent the PAGA Notice to the LWDA and
12 LWDA did not serve Plaintiff with a notice of its intent to assume jurisdiction over the applicable
13 penalty claims and did not provide notice as set forth in Labor Code section 2699.3(a)(2)(A). Thus,
14 Plaintiff has exhausted the administrative requirements under the PAGA.

15 **PAGA REPRESENTATIVE ACTION CLAIMS**

16 19. On information and belief, current and former employees of Defendants were subject
17 to wage and hour violations by Defendants, specifically by Defendants' violation of Labor Code
18 sections 201, 202, 203, 204, 226(a)(1), 226(a)(5), 226(a)(9), 226(a), 226.7, 226.7(c), 246, 246(l), 510,
19 512, 1198, 2698, and 2699 et seq.

20 20. California law provides that an aggrieved employee may file a representative action
21 under the PAGA for civil penalties against an employer who violates the Labor Code.

22 **FIRST CAUSE OF ACTION**

23 **(Representative Claim for Civil Penalties Under the PAGA for violations of Labor Code**
24 **Sections 246 and 246(l) against all Defendants)**

25 21. Plaintiff re-alleges and incorporates by reference the foregoing allegations as though
26 set forth herein.

27 22. Under Labor Code sections 246 and 246(l), employers in California must provide
28 employees with paid sick leave to be paid at a specified rate of pay which must factor in additional

1 earnings during the relevant statutory period.

2 23. Upon information and belief, Defendants paid sick leave at the incorrect rate of pay
3 resulting in the underpayment of wages. In particular, Defendants failed to appropriately factor in all
4 wages for purposes of computing the appropriate rate of pay for sick leave usage as required by Labor
5 Code sections 246 and 246(l).

6 24. The PAGA imposes upon Defendants, and each of them, civil penalties for violating
7 Labor Code sections 246 and 246(l).

8 25. Labor Code section 2699(f) imposes upon Defendants, and each of them, civil
9 penalties of one hundred dollars (\$100) per pay period, per aggrieved employee for initial violations,
10 and two hundred dollars (\$200) per pay period, per aggrieved employee for subsequent violations for
11 all Labor Code provisions for which a civil penalty is not specifically provided.

12 26. Plaintiff is seeking civil penalties against Defendants, including Labor Code section
13 2699(f) and/or any other applicable statute allowing recovery of civil penalties under the PAGA in an
14 amount to be shown according to proof.

15 27. Pursuant to Labor Code section 248.5, if applicable herein, Plaintiff seeks to recover
16 attorneys' fees, costs, and equitable relief in the form of civil penalties, in an amount to be shown
17 according to proof.

18 28. Pursuant to the PAGA, and/or Labor Code section 2699(g), Plaintiff seeks to recover
19 reasonable attorneys' fees, costs, filing fees paid to the LWDA, and civil penalties in an amount to be
20 shown according to proof.

21 **SECOND CAUSE OF ACTION**

22 **(Representative Claim for Civil Penalties Under the PAGA for Violations of Labor Code** 23 **Sections 512 and 226.7 against all Defendants)**

24 29. Plaintiff re-alleges and incorporates by reference the foregoing allegations as though
25 set forth herein.

26 30. Under Labor Code section 512 and the IWC Wage Order, if an employee works more
27 than five hours in a given day, the employer must provide the employee with the opportunity to take
28 a meal period of at least thirty minutes before the end of the employee's fifth hour. (*Brinker Rest.*

1 *Corp. v. Super. Ct.* (2012) 53 Cal.4th 1004.)

2 31. Labor Code section 226.7 prohibits an employer from requiring an employee to work
3 during a meal period and provides that an employee must be paid a wage for doing so.

4 32. Upon information and belief, Defendants failed to provide Plaintiff and the
5 Represented Employees with the opportunity to take compliant meal periods in violation of Labor
6 Code sections 512 and 226.7.

7 33. The PAGA imposes upon Defendants, civil penalties for violations of Labor Code
8 sections 512 and 226.7.

9 34. Labor Code section 558 imposes upon Defendants, and each of them, civil penalties of
10 fifty hundred dollars (\$50) per pay period, per aggrieved employee for initial violations, and one
11 hundred dollars (\$100) per pay period, per aggrieved employee for subsequent violations.

12 35. Labor Code section 2699(f) imposes upon Defendants, and each of them, civil
13 penalties of one hundred dollars (\$100) per pay period, per aggrieved employee for initial violations,
14 and two hundred dollars (\$200) per pay period, per aggrieved employee for subsequent violations for
15 all Labor Code provisions for which a civil penalty is not specifically provided.

16 36. Plaintiff is seeking civil penalties against Defendants under Labor Code sections
17 2699(f), 558, and/or any other applicable statute allowing recovery of civil penalties under the PAGA
18 as alleged herein in an amount to be shown according to proof.

19 37. Pursuant to the PAGA, and/or Labor Code section 2699(g), Plaintiff seeks to recover
20 reasonable attorneys' fees, costs, and filing fees paid to the LWDA in an amount to be shown
21 according to proof.

22 **THIRD CAUSE OF ACTION**

23 **(Representative Claim for Civil Penalties Under the PAGA for Violations of Labor Code**

24 **Sections 226.7 and 226.7(c) against all Defendants)**

25 38. Plaintiff re-alleges and incorporates by reference the foregoing allegations as though
26 set forth herein.

27 39. Under Labor Code section 226.7(c), if an employer fails to provide an employee with
28 a proper meal/rest period, the employer shall pay the employee one hour of pay at the employee's

1 regular rate of compensation for each workday that the meal/rest period is not provided.

2 40. Plaintiff and the Represented Employees should have been paid a meal/rest break
3 premium for each and every missed, delayed, or shortened meal and rest period in an amount that was
4 equivalent to their regular rate of pay for the pay period.

5 41. Upon information and belief, Defendants failed to issue such meal/rest premiums at
6 the correct regular rate of pay in violation Labor Code section 226.7(c). (*Ferra v. Loews Hollywood*
7 *Hotel, LLC* (2021) 11 Cal. 5th 858.)

8 42. The PAGA imposes upon Defendants, and each of them, civil penalties for violating
9 Labor Code sections 226.7 and 226.7(c).

10 43. Labor Code section 2699(f) imposes upon Defendants, and each of them, civil
11 penalties of one hundred dollars (\$100) per pay period, per aggrieved employee for initial violations,
12 and two hundred dollars (\$200) per pay period, per aggrieved employee for subsequent violations for
13 all Labor Code provisions for which a civil penalty is not specifically provided.

14 44. Plaintiff is seeking civil penalties against Defendants under Labor Code section
15 2699(f) and/or any other applicable statute allowing recovery of civil penalties under the PAGA as
16 alleged herein in an amount to be shown according to proof.

17 45. Pursuant to the PAGA, or Labor Code section 2699(g), Plaintiff seeks to recover
18 reasonable attorneys' fees, costs, filing fees paid to the LWDA, and civil penalties, in an amount to
19 be shown according to proof.

20 **FOURTH CAUSE OF ACTION**

21 **(Representative Claim for Civil Penalties Under the PAGA for Violations of Labor Code** 22 **Sections 510 and 1198 against all Defendants)**

23 46. Plaintiff re-alleges and incorporate by reference the foregoing allegations as though set
24 forth herein.

25 47. Eight hours of labor constitutes a day's work, and any work in excess of 8 hours in 1
26 workday, any work in excess of 40 hours in any one workweek, and for the first 8 hours worked on
27 the 7th consecutive day of work in a workweek, shall be compensated at the rate of no less than one-
28 and one-half times the regular rate of pay for an employee. Any work in excess of 12 hours in one day

1 shall be compensated at the rate of no less than twice the regular rate of pay for an employee. (Labor
2 Code § 510 and IWC Wage Order.)

3 48. Upon information and belief, Defendants failed to properly provide Plaintiff and the
4 Represented Employees with overtime pay for hours worked in excess of eight hours in a workday,
5 and/or hours worked in excess of 40 hours in one workweek.

6 49. Upon information and belief, Represented Employees would receive additional
7 nondiscretionary flat sum payments, including but not limited to, shift differentials and awards.

8 50. Upon information and belief, the Represented Employees were not paid accurate
9 overtime wages because Defendants failed to include all compensation earned during a given period
10 when determining the regular rate of pay, resulting in the underpayment of overtime wages.

11 51. Upon information and belief, during all times relevant to this action, Defendants
12 violated Labor Code sections 510, 1198, and the IWC Wage Order.

13 52. The PAGA imposes upon Defendants, and each of them, civil penalties for violating
14 Labor Code sections 510 and 1198.

15 53. Labor Code section 2699(f) imposes upon Defendants, and each of them, penalties of
16 one hundred dollars (\$100) per pay period, per aggrieved employee for initial violations, and two
17 hundred dollars (\$200) per pay period, per aggrieved employee for subsequent violations for all Labor
18 Code provisions for which a civil penalty is not specifically provided.

19 54. Pursuant to Labor Code section 558, any employer or other person acting on behalf of
20 an employer who violates, or causes to be violated, Labor Code sections 500 to 558.1 or any provision
21 regulating hours and days of work in any order of the Industrial Welfare Commission shall be subject
22 to a civil penalty. Specifically, Labor Code section 558 imposes upon Defendants, and each of them,
23 penalties of fifty hundred dollars (\$50) per pay period, per aggrieved employee for initial violations,
24 and one hundred dollars (\$100) per pay period, per aggrieved employee for subsequent violations.

25 55. Plaintiff is seeking civil penalties against Defendants, including Labor Code sections
26 2699(f), 558, and/or any other applicable statute allowing recovery of civil penalties under the PAGA
27 in an amount to be shown according to proof.

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56. Pursuant to the PAGA, and/or Labor Code section 2699(g), Plaintiff seeks to recover reasonable attorneys' fees, costs, filing fees paid to the LWDA, and civil penalties in an amount to be shown according to proof.

FIFTH CAUSE OF ACTION

**(Representative Claim for Civil Penalties Under the PAGA for Violations of Labor Code
Section 226(a)(1) against all Defendants)**

57. Plaintiff re-alleges and incorporate by reference the foregoing allegations as though set forth herein.

58. Labor Code section 226(a)(1) requires that wage statements that an employer issues to its employees accurately state the gross wages earned.

59. Defendants failed to accurately state the proper gross on the wage statements in violation of Labor Code section 226(a)(1). By way of one example, the wage statements issued to Plaintiff and the Represented Employees failed to include the accurate amount of gross wages because they failed to include the proper amount of wages, including, but not limited to, sick pay wages, meal/rest premium wages, and overtime wages.

60. The PAGA imposes upon Defendants, and each of them, civil penalties for violating Labor Code section 226(a)(1).

61. Labor Code section 2699(f) imposes upon Defendants, and each of them, civil penalties 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.

62. With respect to violations of Labor Code section 226, Labor Code section 226.3 imposes a civil penalty of two hundred and fifty dollars (\$250) for initial violations for each employee for each pay period, and one thousand dollars (\$1000) for each subsequent violation for each employee for each pay period.

63. Plaintiff is seeking civil penalties against Defendants, including Labor Code section 2699(f), 226.3, and/or any other applicable statute allowing recovery of civil penalties under the PAGA in an amount to be shown according to proof.

64. Pursuant to the PAGA, and/or Labor Code section 2699(g), Plaintiff seeks to recover reasonable attorneys' fees, costs, and filing fees paid to the LWDA in an amount to be shown according to proof.

SIXTH CAUSE OF ACTION

**(Representative Claim for Civil Penalties Under the PAGA for Violations of Labor Code
Section 226(a)(5) against all Defendants)**

65. Plaintiff re-alleges and incorporates by reference the foregoing allegations as though set forth herein.

66. Labor Code section 226(a)(5) requires that wage statements that an employer issues to its employees accurately state the net wages earned.

67. Defendants failed to accurately state the proper net wages earned on the wage statements in violation of Labor Code section 226(a)(5). By way of one example, the wage statements issued to Plaintiff and the Represented Employees failed to include the accurate amount of net wages earned during a given pay period because they failed to include the proper amount of all wages earned, including, but not limited to, sick pay wages, meal/rest premium wages, and overtime wages.

68. The PAGA imposes upon Defendants, and each of them, civil penalties for violating Labor Code section 226(a)(5).

69. Labor Code section 2699(f) imposes upon Defendants, and each of them, civil penalties 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.

70. With respect to violations of Labor Code section 226, Labor Code section 226.3 imposes a civil penalty of two hundred and fifty dollars (\$250) for initial violations for each employee for each pay period, and one thousand dollars (\$1000) for each subsequent violation for each employee for each pay period.

71. With respect to violations of Labor Code section 226, Labor Code section 226.3 imposes a civil penalty of two hundred and fifty dollars (\$250) for initial violations for each employee for each pay period, and one thousand dollars (\$1000) for each subsequent violation for each

1 employee for each pay period.

2 72. Plaintiff is seeking civil penalties against Defendant, including Labor Code section
3 2699(f), 226.3, and/or any other applicable statute allowing recovery of civil penalties under the
4 PAGA in an amount to be shown according to proof.

5 73. Pursuant to the PAGA, and/or Labor Code section 2699(g), Plaintiff seeks to recover
6 reasonable attorneys' fees, costs, and filing fees paid to the LWDA in an amount to be shown
7 according to proof.

8 **SEVENTH CAUSE OF ACTION**

9 **(Representative Claim for Civil Penalties Under the PAGA for Violations of Labor Code**
10 **Section 226(a)(9) against all Defendants)**

11 74. Plaintiff re-alleges and incorporates by reference the foregoing allegations as though
12 set forth herein.

13 75. Labor Code section 226(a)(9) requires that the employer's wage statements accurately
14 state all applicable hourly rates in effect during the pay period and the corresponding number of hours
15 worked at each hourly rate by the employee.

16 76. Defendants failed violated Labor Code section 226(a)(9). By way of one example, the
17 rates/hours for sick pay wages, meal/rest premium wages, and overtime wages are inaccurately
18 itemized.

19 77. The PAGA imposes upon Defendants, and each of them, civil penalties for violating
20 Labor Code section 226(a)(9).

21 78. Labor Code section 2699(f) imposes upon Defendants, and each of them, civil
22 penalties of one hundred dollars (\$100) per pay period, per aggrieved employee for initial violations,
23 and two hundred dollars (\$200) per pay period, per aggrieved employee for subsequent violations for
24 all Labor Code provisions for which a civil penalty is not specifically provided.

25 79. With respect to violations of Labor Code section 226, Labor Code section 226.3
26 imposes a civil penalty of two hundred and fifty dollars (\$250) for initial violations for each employee
27 for each pay period, and one thousand dollars (\$1000) for each subsequent violation for each
28 employee for each pay period.

80. Plaintiff is seeking civil penalties against Defendants, including Labor Code section 2699(f), 226.3, and/or any other applicable statute allowing recovery of civil penalties under the PAGA in an amount to be shown according to proof.

EIGHTH CAUSE OF ACTION

82. Plaintiff re-alleges and incorporates by reference the foregoing allegations as though set forth herein.

84. Upon information and belief, during all times relevant to this action, Defendants failed to keep records required under Labor Code section 226(a). By way of example, the copies of the wage statements that Defendants kept do not include the accurate gross and net wages and all applicable hourly rates and corresponding hours worked as described herein and in the above paragraphs.

86. Labor Code section 2699(f) imposes upon Defendants, and each of them, civil penalties 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.

1 88. Plaintiff is seeking civil penalties against Defendant, including Labor Code section
2 2699(f), 226.3, and/or any other applicable statute allowing recovery of civil penalties under the
3 PAGA in an amount to be shown according to proof.

4 89. Pursuant to the PAGA, and/or Labor Code section 2699(g), Plaintiff seeks to recover
5 reasonable attorneys' fees, costs, and filing fees paid to the LWDA in an amount to be shown
6 according to proof.

7 **NINETH CAUSE OF ACTION**

8 **(Representative Claim for Civil Penalties Under the PAGA for Violations of Labor Code**
9 **Section 204 against all Defendants)**

10 90. Plaintiff re-alleges and incorporates by reference the foregoing allegations as though
11 set forth herein.

12 91. Labor Code section 204 imposes an obligation of timely payment of wages upon
13 California employers.

14 92. Defendants violated Labor Code section 204 because they failed to timely pay Plaintiff
15 and the Represented Employees all earned wages during an applicable pay period.

16 93. The PAGA imposes upon Defendants, and each of them, civil penalties for violating
17 Labor Code section 204.

18 94. Labor Code section 204 imposes upon Defendants, and each of them, civil penalties of
19 one hundred dollars (\$100) per pay period, per aggrieved employee for initial violations,
20 and two hundred dollars (\$200) per pay period, per aggrieved employee for subsequent violations.

21 95. Labor Code section 2699(f) imposes upon Defendants, and each of them, civil
22 penalties of one hundred dollars (\$100) per pay period, per aggrieved employee for initial violations,
23 and two hundred dollars (\$200) per pay period, per aggrieved employee for subsequent violations for
24 all Labor Code provisions for which a civil penalty is not specifically provided.

25 96. Plaintiff is seeking civil penalties against Defendants under Labor Code section 204,
26 2699(f), and/or any other applicable statute allowing recovery of civil penalties under the PAGA in
27 an amount to be shown according to proof.

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97. Pursuant to the PAGA, and/or Labor Code section 2699(g), Plaintiff seeks to recover reasonable attorneys' fees, costs, and filing fees paid to the LWDA in an amount to be shown according to proof.

TENTH CAUSE OF ACTION

**(Representative Claim for Civil Penalties Under the PAGA for Violations of Labor Code
Sections 201, 202, and 203 against all Defendants)**

98. Plaintiff re-alleges and incorporates by reference the foregoing allegations as though set forth herein.

99. Under Labor Code section 201, if an employee is discharged by his/her employer, the wages earned and unpaid at the time of discharge are due and payable immediately.

100. Under Labor Code section 202, if on the other hand, “an employee not having a written contract for a definite period quits his or her employment, his or her wages shall become due and payable not later than 72 hours thereafter, unless the employee has given 72 hours previous notice of his or her intention to quit, in which case the employee is entitled to his or her wages at the time of quitting.”

101. Labor Code section 203 provides, in pertinent part: “If an employer willfully fails to pay, without abatement or reduction, ... any wages of an employee who is discharged or who quits, the wages of the employee shall continue as a penalty from the due date thereof at the same rate until paid or until an action therefore is commenced; but the wages shall not continue for more than 30 days. ...”

102. Upon information and belief, Plaintiff and the Represented Employees did not receive all wages upon termination or separation of employment. By way of one example, Plaintiff and the Represented Employees were owed sick pay wages, meal/rest premium wages, and overtime wages at the time of separation and/or termination of employment.

103. The PAGA imposes upon Defendants, and each of them, civil penalties for violating Labor Code sections 201, 202, and 203.

104. Labor Code section 2699(f) imposes upon Defendants, and each of them, civil penalties of one hundred dollars (\$100) per pay period, per aggrieved employee for initial violations,

1 and two hundred dollars (\$200) per pay period, per aggrieved employee for subsequent violations for
2 all Labor Code provisions for which a civil penalty is not specifically provided.

3 105. Plaintiff is seeking civil penalties against Defendants under Labor Code section
4 2699(f), and/or any other applicable statute allowing recovery of civil penalties under the PAGA in
5 an amount to be shown according to proof.

6 106. Pursuant to the PAGA, and/or Labor Code section 2699(g), Plaintiff seeks to recover
7 reasonable attorneys' fees, costs, and filing fees paid to the LWDA in an amount to be shown
8 according to proof.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff prays for a judgment against Defendants as follows:

- 11 1. An award of civil penalties pursuant to the PAGA and/or other applicable laws;
- 12 2. An award of reasonable attorneys' fees, costs, and filing fees paid to the LWDA pursuant
13 to the PAGA, California Labor Code section 2699(g), and/or other applicable law;
- 14 3. Post-judgment interest as provided by law; and
- 15 4. Such other and further relief that the Court may deem just and proper.

16 Dated: May 1, 2023

MASHIRI LAW FIRM, APC

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18 By: 
19 Alex Asil Mashiri
20 Attorney for Plaintiff
21 KIMBERLY LAMBERTINIS
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