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SUMMONS ISSUED

Attorneys for Plaintiff Tarin Kasim

Per local Rule, This case is assigned to
Judge Treat, Charles S, for all purposes.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF CONTRA COSTA**

TARIN KASIM, as an individual and on behalf
of all others similarly situated,

Plaintiff,

v.

RADC ENTERPRISES, INC., a California
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: C23-00683

CLASS ACTION

**CLASS ACTION COMPLAINT FOR
DAMAGES FOR:**

**(1) VIOLATION OF LABOR CODE
SECTIONS 226.7 AND 512;**

**(2) VIOLATION OF LABOR CODE
SECTIONS 1194 and 510;**

**(3) VIOLATION OF LABOR CODE
SECTION 2802;**

**(4) VIOLATION OF LABOR CODE
SECTION 226;**

**(5) VIOLATION OF LABOR CODE
SECTIONS 201-204;**

**(6) BUSINESS AND PROFESSIONS
CODE SECTION 17200 *et seq.***

DEMAND FOR JURY TRIAL

1 Plaintiff Tarin Kasim (“Plaintiff”) hereby submits his Class Action Complaint for
2 Damages against Defendants RADC Enterprises, Inc., and DOES 1 through 50, inclusive
3 (collectively, “Defendants”), on behalf of himself and the Class of other similarly situated
4 current and former employees of Defendants for meal period and rest break wages, minimum
5 and overtime wages, reimbursements, and penalties as follows:

6 **INTRODUCTION**

7 1. This class action is brought pursuant to Labor Code §§ 201 to 204, 226, 226.7,
8 510, 512, 1194, 2802, Industrial Welfare Commission (“IWC”) Wage Order 7-2001 (codified
9 as California Code of Regulations Title 8 § 11070), and Business and Professions Code §
10 17200 *et seq.* (Unfair Competition Law (“UCL”)).

11 2. This Complaint challenges Defendants’ systemic illegal employment practices
12 resulting in violations of the stated provisions of the Labor Code and Business and Professions
13 Code against the identified class of employees.

14 3. Plaintiff is informed and believes and thereon alleges Defendants joint and
15 severally acted intentionally and with deliberate indifference and conscious disregard to the
16 rights of all employees in (1) failing to provide meal periods and rest breaks; (2) failing to pay
17 all minimum and overtime wages; (3) failing to provide accurate wage statements; (4) failing
18 to reimburse all necessary work-related expenses; and (5) failing to pay all wages due and
19 owing upon termination of employment.

20 **JURISDICTION AND VENUE**

21 4. This class action is brought pursuant to California Code of Civil Procedure §
22 382. The monetary damages sought by Plaintiff exceed the minimal jurisdictional limits of the
23 Superior Court and will be established according to proof at trial. The damages sought by
24 Plaintiff individually are less than \$75,000.00.

25 5. This Court has jurisdiction over this action pursuant to California Constitution,
26 Article VI, Section 10, which grants the Superior Court original jurisdiction in all causes
27 except those given by statute to other courts. The statutes under which this action is brought do
28 not specify any other basis for jurisdiction.

alleged herein were duly committed with ratification, knowledge, permission, encouragement, authorization and consent of each Defendant designated herein.

As such and based upon all the facts and circumstances incident to Defendants' business in California, Defendants are subject to Labor Code §§ 201 to 204, 226, 226.7, 510, 512, 1194, 2802, IWC Wage Order 7-2001, and the UCL.

CLASS ACTION ALLEGATIONS

13. Definition: Plaintiff seeks class certification pursuant to California Code of Civil Procedure § 382 of a class of all non-exempt employees of Defendants who worked in California during the period from October 1, 2018¹ to the present, including the following Subclasses:

(a) Meal Period Subclass: all non-exempt employees of Defendants who worked one or more shifts in excess of six (6) hours in California during the period from October 1, 2018, to the present;

As an alternative to Subclass (a): all non-exempt employees of Defendants who worked one or more shifts in excess of six (6) hours in California without receiving a 30-minute break during which they were relieved of all duties, during the period from October 1, 2018, to the present;

(b) Rest Break Subclass: all non-exempt employees of Defendants who worked one or more shifts of three and one-half (3.5) hours or more in California during the period from October 1, 2018, to the present;

As an alternative to Subclass (b): all non-exempt employees of Defendants who worked one or more shifts of three and one-half (3.5) hours or more in California without receiving all required paid 10-minute breaks during which they were relieved of all duties, during the period October 1, 2018, to the present;

¹ Pursuant to Emergency Rule 9 of the Judicial Council of California's emergency rules related to the COVID-19 pandemic, "[n]otwithstanding any other law, the statutes of limitations and repose for civil causes of action that exceed 180 days are tolled from April 6, 2020, until October 1, 2020."

1 (c) **Overtime Subclass:** all non-exempt employees of Defendants who
2 worked one or more shifts in excess of eight (8) hours in a day or forty
3 (40) hours in a workweek in California during the period from October
4 1, 2018, to the present;

5 **As an alternative to Subclass (c):** all non-exempt employees of Defendants
6 who worked one or more shifts in excess of eight (8) hours in a day or
7 forty (40) hours in a workweek in California and were not properly paid
8 all overtime wages during the period from October 1, 2018, to the
9 present;

10 (d) **Minimum Wage Subclass** all Defendants' non-exempt employees who
11 worked in California and were not properly paid all minimum wages
12 during the period from October 1, 2018, to the present;

13 (e) **Reimbursement Subclass:** all Defendants' non-exempt employees who
14 worked in California and incurred business expenses that were not
15 reimbursed during the period of October 1, 2018, to the present;

16 (f) **Wage Statement Subclass:** all Defendants' non-exempt employees who
17 worked in California and received an itemized wage statement during
18 the period of October 1, 2019, to the present;

19 (g) **Terminated Employee Subclass:** all Defendants' non-exempt
20 employees who worked in California and who were not properly paid all
21 wages on termination or within 72 hours thereof during the period of
22 October 1, 2019, to the present;

23 **14. Numerosity:** The members of the Class are so numerous that joinder of all
24 members would be impractical, if not impossible. The identities of the members of the Class
25 are readily ascertainable by objective, easily understood terms contained within the Class and
26 Subclass definitions, and by review of Defendants' records, including payroll records.

27 **15. Adequacy of Representation:** Plaintiff is fully prepared to take all necessary
28 steps to represent fairly and adequately the interests of the Class defined above. Plaintiff's

1 attorneys are ready, willing and able to fully and adequately represent the Class and Plaintiff.
2 Plaintiff's attorneys have prosecuted and settled wage-and-hour class actions in the past and
3 currently have a number of wage-and-hour class actions pending in California courts.

4 **16.** Defendants administered a corporate policy, practice and/or procedure of (1)
5 failing to pay all overtime and minimum wages; (2) failing to provide meal periods and rest
6 breaks; (3) failing to reimburse all necessary work-related expenses; (4) failing to provide
7 accurate wage statements; (5) failing to timely pay all wages due and owing upon termination
8 of employment; and (6) engaging in unfair business practices. Plaintiff alleges this corporate
9 conduct is accomplished with the advance knowledge and designed intent to willfully withhold
10 appropriate wages for work performed members of the Class.

11 **17. Common Question of Law and Fact:** There are predominant common
12 questions of law and fact and a community of interest amongst Plaintiff and the claims of the
13 Class concerning whether Defendants' policies and practices regularly denied Class Members
14 overtime and minimum wages, meal periods and rest breaks, reimbursements, accurate wage
15 statements, and wages upon termination of employment.

16 **18. Typicality:** The claims of Plaintiff are typical of the claims of all members of
17 the Class. Plaintiff is a member of the Class and have suffered the alleged violations of Labor
18 Code §§ 201 to 204, 226, 226.7, 510, 512, 1194, 2802, IWC Wage Order 7-2001, and the UCL.
19 Plaintiff worked at least one shift in excess of six hours during which he was not provided all
20 duty-free, legally mandated meal periods. Plaintiff worked at least one shift of 3.5 hours or
21 greater during which he was not authorized and permitted all duty-free, legally mandated rest
22 breaks. Plaintiff worked at least one shift over eight hours during which he was not paid for all
23 hours worked, including overtime hours worked. Plaintiff received wage statements during his
24 employment. Plaintiff's employment terminated during the statutory period and Plaintiff was
25 not timely paid all wages due and owing him upon termination.

26 **19.** The Labor Code upon which Plaintiff bases his claims is broadly remedial in
27 nature. These laws and labor standards serve an important public interest in establishing
28 minimum working conditions and standards in California. These laws and labor standards

1 protect the average working employee from exploitation by employers who may seek to take
2 advantage of superior economic and bargaining power in setting onerous terms and conditions
3 of employment.

4 **20.** The nature of this action and the format of laws available to Plaintiff and
5 members of the Class identified herein make the class action format a particularly efficient and
6 appropriate procedure to redress the wrongs alleged herein. If each employee were required to
7 file an individual lawsuit, the corporate Defendants would necessarily gain an unconscionable
8 advantage since it would be able to exploit and overwhelm the limited resources of each
9 individual plaintiff with their vastly superior financial and legal resources. Requiring each
10 Class Member to pursue an individual remedy would also discourage the assertion of lawful
11 claims by employees who would be disinclined to file an action against their former and/or
12 current employer for real and justifiable fear of retaliation and permanent damage to their
13 careers at subsequent employment.

14 **21.** The prosecution of separate actions by the individual Class Members, even if
15 possible, would create a substantial risk of (a) inconsistent or varying adjudications with
16 respect to individual Class Members against the Defendants and which would establish
17 potentially incompatible standards of conduct for the Defendants, and/or (b) adjudications with
18 respect to individual Class Members which would, as a practical matter, be dispositive of the
19 interest of the other Class Members not parties to the adjudications or which would
20 substantially impair or impede the ability of the Class Members to protect their interests.
21 Further, the claims of the individual members of the Classes are not sufficiently large to
22 warrant vigorous individual prosecution considering all of the concomitant costs and expenses.

23 **22.** Such a pattern, practice and administration of corporate policy regarding illegal
24 employee compensation described herein is unlawful and creates an entitlement to recovery by
25 Plaintiff and the Class identified herein, in a civil action, for the unpaid balance of the full
26 amount of minimum and overtime wages, meal period and rest break premiums,
27 reimbursements, and penalties, including interest thereon, attorneys' fees and costs of suit, as
28 well as consequential damages.

23. Proof of a common business practice or factual pattern, which Plaintiff experienced and is representative of, will establish the right of each Class Member to recovery on the causes of action alleged herein.

FIRST CAUSE OF ACTION

25. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 24 as though fully set forth herein.

28. Defendants' policy of failing to provide Plaintiff and the Class and Subclasses (a), (b), (f), and (g) with all legally-mandated meal periods and rest breaks is a violation of California law.

1 above.

2 **30.** Such a pattern, practice and administration of corporate policy as described
3 herein is unlawful and creates an entitlement to recovery by Plaintiff and the Class and
4 Subclasses (a), (b), (f), and (g) identified herein, in a civil action, for the balance of the unpaid
5 premium compensation pursuant to Labor Code § 226.7 and the applicable IWC Wage Order,
6 including interest, attorneys' fees, and costs of suit.

7 **SECOND CAUSE OF ACTION**

8 **VIOLATION OF LABOR CODE SECTION 1194**

9 **REGARDING OVERTIME AND MINIMUM WAGES**

10 **(AGAINST ALL DEFENDANTS BY PLAINTIFF ON BEHALF OF THE CLASS AND**

11 **SUBCLASSES (c), (d), (f), and (g))**

12 **31.** Plaintiff re-alleges and incorporates by reference paragraphs 1 through 30 as
13 though fully set forth herein.

14 **32.** At all times relevant herein, Defendants were required to compensate their non-
15 exempt employees' minimum wages for all hours worked and overtime wages for all hours
16 worked over eight (8) hours in a day or forty (40) hours in a workweek.

17 **33.** As a pattern and practice, Defendants regularly failed to compensate its
18 employees for all hours worked, resulting in a failure to pay all minimum wages and, where
19 applicable, overtime wages.

20 **34.** This resulted in Plaintiff and the Class and Subclasses (c), (d), (f), and (g)
21 receiving total wages in an amount less than minimum wage and, when applicable, deprived
22 Plaintiff and the Class and Subclasses (c), (d), (f), and (g) of overtime wages.

23 **35.** Such a pattern, practice and administration of corporate policy regarding illegal
24 employee compensation as described herein is unlawful and creates an entitlement to recovery
25 by Plaintiff and the Class and Subclasses (c), (d), (f), and (g) in a civil action, for the unpaid
26 balance of the full amount of minimum wages owing, including liquidated damages, interest,
27 attorneys' fees, and costs of suit according to the mandate of California Labor Code § 1194.

1 **THIRD CAUSE OF ACTION**

2 **REGARDING BUSINESS EXPENSES**

3 **(AGAINST ALL DEFENDANTS BY PLAINTIFF ON BEHALF OF THE**

4 **CLASS AND SUBCLASSES (e), (f), and (g))**

5 **36.** Plaintiff re-alleges and incorporates by reference paragraphs 1 through 35 as
6 though fully set for herein.

7 **37.** At all times relevant herein, Defendants were required to indemnify their
8 employees for all necessary expenditures or losses incurred in direct consequence of the
9 discharge of the employees' duties, or of the employees' obedience to the directions of the
10 employer pursuant to California Labor Code § 2802.

11 **38.** In violation of Labor Code § 2802, Defendants failed to reimburse Plaintiff's
12 and the Class and Subclasses (e), (f), and (g) for necessary work-related expenses. For
13 example, Defendants failed to reimburse its employees for costs incurred using their personal
14 vehicles for business purposes.

15 **39.** Such a pattern, practice and uniform administration of corporate policy as
16 described herein is unlawful and creates an entitlement to recovery by the Plaintiff and the
17 Class and Subclasses (e), (f), and (g) in a civil action, for all damages and/or penalties pursuant
18 to Labor Code § 2802, including interest thereon, penalties, reasonable attorneys' fees, and
19 costs of suit according to the mandate of California Labor Code § 2802.

20 **FOURTH CAUSE OF ACTION**

21 **REGARDING RECORD KEEPING**

22 **(AGAINST ALL DEFENDANTS BY PLAINTIFF ON BEHALF OF**

23 **THE CLASS AND ALL SUBCLASSES)**

24 **40.** Plaintiff re-alleges and incorporates by reference paragraphs 1 through 39 as
25 though fully set forth herein.

26 **41.** At all times relevant herein, Defendants were required to maintain accurate
27 records pursuant to the mandate of Labor Code § 226.

28 **42.** In violation of Labor Code § 226, Defendants failed in their affirmative

1 obligation to keep *accurate* records for their California employees. For example, as a result of
2 Defendants' various Labor Code violations, Defendants failed to keep accurate records of
3 Plaintiff and the Class and all Subclasses' gross wages earned, total hours worked, net wages
4 earned, and all applicable hourly rates and the number of hours worked at each hourly rate.
5 Plaintiff received at least one such wage statement during her employment with Defendants.
6 Defendants also failed to produce Plaintiff's time records within 21 days of Plaintiff's request
7 entitling Plaintiff to a \$750 statutory penalty per Section 226(f).

8 **43.** Such a pattern, practice and uniform administration of corporate policy as
9 described herein is unlawful and creates an entitlement to recovery by the Plaintiff and the
10 Class and all Subclasses identified herein, in a civil action, for all damages and/or penalties
11 pursuant to Labor Code § 226, including interest thereon, penalties, reasonable attorneys' fees,
12 and costs of suit.

13 **FIFTH CAUSE OF ACTION**

14 **VIOLATION OF LABOR CODE SECTIONS 201 to 204**

15 **REGARDING WAITING TIME PENALTIES**

16 **(AGAINST ALL DEFENDANTS BY PLAINTIFF ON BEHALF OF**
17 **THE CLASS AND ALL SUBCLASSES)**

18 **44.** Plaintiff re-alleges and incorporates by reference paragraphs 1 through 43 as
19 though fully set for herein.

20 **45.** At all times relevant herein, Defendants were required to pay their employees
21 all wages owed in a timely fashion at the end of employment pursuant to California Labor
22 Code §§ 201 to 204.

23 **46.** As a result of Defendants' alleged Labor Code violations alleged above,
24 Defendants regularly failed to pay Plaintiff and the Class and all Subclasses their final wages
25 pursuant to Labor Code §§ 201 to 204 and accordingly owe waiting time penalties pursuant to
26 Labor Code § 203.

27 **47.** The conduct of Defendants and their agents and employees as described herein
28 was willfully done in violation of Plaintiff and the Class and all Subclasses' rights, and done by

1 managerial employees of Defendants.

2 **48.** Defendants' willful failure to provide Plaintiff and the Class and all Subclasses
3 the wages due and owing them upon separation from employment results in a continuation of
4 wages up to thirty (30) days from the time the wages were due. Therefore, Plaintiff and Class
5 Members who have separated from employment are entitled to compensation pursuant to
6 Labor Code § 203.

7 **SIXTH CAUSE OF ACTION**

8 **FOR VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTION 17200 *et seq.***

9 **(AGAINST ALL DEFENDANTS BY PLAINTIFF ON BEHALF OF**

10 **THE CLASS AND ALL SUBCLASSES)**

11 **49.** Plaintiff re-alleges and incorporates by reference paragraphs 1 through 48 as
12 though fully set for herein.

13 **50.** Defendants, and each of them, have engaged and continue to engage in unfair
14 and unlawful business practices in California by practicing, employing and utilizing the
15 employment practices outlined above, inclusive, to wit, by knowingly denying employees: (1)
16 all overtime and minimum wages, (2) all meal period and rest break wages, (3)
17 reimbursements, (4) accurate wage statements, and (5) all wages due and owing upon
18 termination of employment. Defendants also failed to provide sick leave in violation of Labor
19 Code § 246.

20 **51.** Defendants' utilization of such business practices constitutes unfair, unlawful
21 competition and provides an unfair advantage over Defendants' competitors.

22 **52.** The acts complained of herein occurred within the last four years preceding the
23 filing of the complaint in this action.

24 **53.** Defendants have engaged in unlawful, deceptive and unfair business practices,
25 as proscribed by California Business and Professions Code § 17200 *et seq.*, including those set
26 forth above, thereby depriving Plaintiff and the Class and Subclasses the minimum working
27 condition standards and conditions due to them under the California laws and IWC Wage
28 Orders as specifically described therein.

54. Plaintiff seeks, on his own behalf, and on behalf of other members of the Class and Subclasses who are similarly situated, full restitution of monies, as necessary and according to proof, to restore any and all monies withheld, acquired and/or converted by the Defendants by means of the unfair practices complained of herein.

PRAYER FOR RELIEF

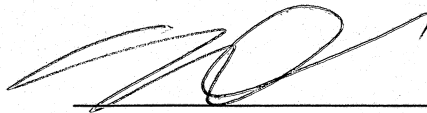
WHEREFORE, Plaintiff prays for judgment for himself and all others on whose behalf this suit is brought against Defendants, jointly and severally, as follows:

1. For an order certifying the proposed Class;
2. For an order appointing Plaintiff as the representative of the Class as described herein;
3. For an order appointing counsel for Plaintiff as counsel for the Class;
4. Upon the First Cause of Action, for all meal period and rest break wages owed, and for costs;
5. Upon the Second Cause of Action, for all minimum wages owed, and for costs and attorney's fees;
6. Upon the Third Cause of Action, for damages or penalties pursuant to statute as set forth in California Labor Code § 2802, and for costs and attorneys' fees;
7. Upon the Fourth Cause of Action, for damages or penalties pursuant to statute as set forth in California Labor Code § 226, and for costs and attorneys' fees;
8. Upon the Fifth Cause of Action, for all minimum wages owed, for waiting time wages according to proof pursuant to California Labor Code §203;
9. Upon the Sixth Cause of Action, for restitution to Plaintiff and other similarly affected members of the general public of all funds unlawfully acquired by Defendants by means of any acts or practices declared by this Court to be in violation of Business and Professions Code § 17200 *et seq.*; and
10. On all causes of action for attorneys' fees, interest, and costs as provided by California Labor Code §§ 218.5, 218.6, 226, 1194, 2802, and Code of Civil Procedure § 1021.5, and for such other and further relief the Court may deem

just and proper.

1 Dated: March 28, 2023

YOON LAW, APC

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4 Stephanie E. Yasuda
Attorneys for Plaintiff Tarin Kasim

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6 **DEMAND FOR JURY TRIAL**

7 Plaintiff, for himself and the Class and Subclasses, hereby demands a jury trial as
8 provided by California law.

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10 Dated: March 28, 2023

YOON LAW, APC

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13 Stephanie E. Yasuda
Attorneys for Plaintiff Tarin Kasim