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6 Attorney for Plaintiff
Michael Anthony Cummings
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Superior Court of California
County of San Joaquin
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Clerk: Jessica Cayo

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF SAN JOAQUIN

10 MICHAEL ANTHONY CUMMINGS,) CASE NO. STK-CV-UOE-2023-002559
11)
12 Plaintiff,) FIRST AMENDED COMPLAINT FOR
13 v.) PAGA PENALTIES
14)
TRAFFIC MANAGEMENT, INC., and DOES 1)
15 to 100,)
16 Defendants.)
17)
18)
19)

20 PRELIMINARY ALLEGATIONS

- 21 1. Plaintiff Michael Anthony Cummings is a resident of San Joaquin County.
22 2. Defendant Traffic Management, Inc. is a corporation based in Los Angeles County.
23 3. Plaintiff does not know the true names and capacities of Does 1 to 100 and therefore uses
24 fictitious names. Plaintiff will amend pursuant to Code of Civil Procedure section 474 to allege the
25 true names and capacities when ascertained.
26 4. Plaintiff is informed and believes that each of the Defendants was the agent or employee of
27 the other defendants and acted in the scope of agency or employment.
28 5. Defendants employed Plaintiff as traffic/road work employees; Wage Order 4 applies.

6. Throughout Plaintiff's employment from June 27, 2021 to October 27, 2022 he did not receive compliant meal and rest periods, did not receive accurate wage statements, were not paid for all time worked, and did not receive overtime at the correct regular rate.

7. On March 14, 2023 Plaintiff sent a PAGA letter by certified mail to Defendants and uploaded the PAGA letter to the LWDA website. Since it has been at least 65 days, Plaintiff may now seek PAGA penalties pursuant to Labor Code section 2699.3(a)

FIRST CAUSE OF ACTION

PAGA Penalties

Against All Defendants

15. Plaintiff incorporates by reference paragraphs 1 to 7 of the complaint.

16. Labor Code section 2699(a) permits an action brought by an aggrieved employee on behalf of himself or herself and other current or former employees; Plaintiff is an aggrieved employee.

17. The PAGA penalties in Labor Code sections 1197.1 and 2699 apply for the minimum wage violations.

18. The PAGA penalties in Labor Code sections 558, 1197.1, and 2699 apply for the overtime violations.

19. The PAGA penalties in Labor Code 558 and 2699 apply for the meal break violations.

20. The PAGA penalties in Labor Code section 2699 apply for the rest break violations.

21. The PAGA penalties in Labor Code section 2699 apply for the wage statement violations.

22. The PAGA penalties in Labor Code section 203 apply for the waiting time penalties.

23. Plaintiff is also entitled to attorney fees and costs pursuant to Labor Code section 2699(g).

PRAYER

First Cause of Action

1. All applicable PAGA penalties

2. Attorney fees and costs

3. Other relief the court deems proper

1 Date: May 19, 2023

FRONTIER LAW CENTER

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3 *Adam Rose*

4 Adam Rose

Attorney for Plaintiff

Michael Anthony Cummings

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8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SAN JOAQUIN

10 MICHAEL ANTHONY CUMMINGS,) CASE NO. STK-CV-UOE-2023-002559
11)
Plaintiff,) PROOF OF SERVICE
12)
v.)
13)
TRAFFIC MANAGEMENT, INC., and DOES 1)
14 to 100,)
15 Defendants.)

16
17
18 I, Adam Rose, declare the following pursuant to Code of Civil Procedure section 1013b:

- 19 1. My eservice address is adam@frontierlawcenter.com and my business address is
20 23901 Calabasas Rd., #2074, Calabasas, CA 91302.
21 2. On May 19, 2023 I electronically served the attached first amended complaint.
22 3. I electronically served the following on behalf of Traffic Management, Inc.: Ariella
23 Kupetz – akupetz@fisherphillips.com.

24
25 I declare under penalty of perjury under the laws of the State of California that the
26 foregoing is true and correct.

27 Date: May 19, 2023

Adam Rose

28 Adam Rose