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10 EVA LORENIA RENTERIA

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

13 EVA LORENIA RENTERIA an individual, for
14 the real party in interest, the State of California,

15 Plaintiff,

16 vs.

17 AGNI PET SERVICES INC; and DOES 1
18 through 50,

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

06/23/2023 at 11:04:59 AM

Clerk of the Superior Court
By Joseph Callier III, Deputy Clerk

Case No. 37-2023-00026428-CU-OE-CTL

REPRESENTATIVE ACTION

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

1 Plaintiff EVA LORENIA RENTERIA (“Plaintiff”), in her capacity as the State of California’s
2 designated proxy under the Private Attorneys General Act (“PAGA”), and on behalf of other current
3 and former California non-exempt employees alleges the following:

4 **NATURE OF THE ACTION**

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

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

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

18 **JURISDICTION AND VENUE**

19 4. Pursuant to Article VI, section 10 of the California Constitution, subject matter
20 jurisdiction is proper in the Superior Court of California, County of San Diego, State of California
21 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 wrongful
28 misconduct alleged herein occurred.

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

11. 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 Defendants by such fictitious names pursuant to California Code of Civil Procedure section 474. Plaintiff will seek leave to amend the operative complaint (“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 Defendants is in some manner liable to Plaintiff for the events and actions alleged herein.

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

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1 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

2 14. On April 18, 2023, Plaintiff, via counsel, provided the statutorily required notice to the
3 LWDA (“PAGA Notice”), indicating that Plaintiff intends to pursue claims against Defendants for
4 violations of the Labor Code.

5 15. On April 18, 2023, Plaintiff, via counsel, sent a copy of the PAGA Notice to Defendant
6 AGNI.

7 16. The statutory period expired since Plaintiff provided the PAGA Notice to the LWDA
8 and LWDA did not serve Plaintiff with a notice of its intent to assume jurisdiction over the applicable
9 penalty claims and did not provide notice as set forth in Labor Code section 2699.3(a)(2)(A). As
10 such, Plaintiff has exhausted the administrative requirements under the PAGA.

11 **PAGA REPRESENTATIVE ACTION CLAIMS**

12 17. California law provides that an aggrieved employee may file a representative action
13 under the PAGA against an employer for violations of the Labor Code and Wage Order.

14 18. On information and belief, and as alleged below, current and former non-exempt
15 employees of Defendants were subject to wage and hour violations by Defendants, specifically by
16 Defendants’ violation of Labor Code sections 201, 202, 203, 204, 226, 226(a), 226(a)(1), 226(a)(2),
17 226(a)(5), 226(a)(6), 226(a)(9), 226.7, 226.7(b), 226.7(c), 246, 246(b), 246(l), 510, 512, 1197, 1198,
18 2802, 2698 and 2699 et seq.

19 **FIRST CAUSE OF ACTION**

20 **(Representative Claim for Civil Penalties Under the PAGA for violations of Labor Code**
21 **Sections 226(a)(6) against all Defendants)**

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

24 20. Under Labor Code section 226(a)(6), employers in California (a) shall furnish to his
25 or her employee, either as a detachable part of the check, draft, or voucher paying the employee's
26 wages, or separately if wages are paid by personal check or cash, an accurate itemized statement in
27 writing showing [...] (6) the inclusive dates of the period for which the employee is paid.

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1 21. Upon information and belief, Defendants did not provide wage statements in
2 compliance with Labor Code section 226(a)(6). By way of example, Defendants issued Plaintiff a
3 wage statement on 1/27/2023, for the period begin date of 1/11/2023 and period end date of 1/24/2023,
4 that reflects 50.73 regular hours worked. However, for the period begin date of 1/11/2023 and period
5 end date of 1/24/2023, Plaintiff worked 51.93 regular hours. In fact, Plaintiff worked 50.73 regular
6 hours for the period begin date of 1/10/2023 and period end date of 1/23/2023. Thus, Defendants
7 failed to accurately list the inclusive dates of the period for which Plaintiff was paid in violation of
8 Labor Code section 226(a)(6).

9 22. By way of another example, Defendants issued Plaintiff a wage statement on
10 12/30/2022, for the period begin date of 12/14/2022 and period end date of 12/27/2022, that reflects
11 55.14 regular hours worked. However, for the period begin date of 12/14/2022 and period end date
12 of 12/27/2022, Plaintiff actually worked 60.52 regular hours. In fact, Plaintiff worked 55.14 regular
13 hours for the period begin date of 12/13/2022 and period end date of 12/26/2022. Thus, Defendants
14 failed to accurately list the inclusive dates of the period for which Plaintiff was paid in violation of
15 Labor Code section 226(a)(6).

16 23. The PAGA imposes upon Defendants, and each of them, civil penalties for violating
17 Labor Code sections 226(a)(6).

18 24. Labor Code section 2699(f) imposes upon Defendants, and each of them, civil
19 penalties of 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 for
21 all Labor Code provisions for which a civil penalty is not specifically provided.

22 25. Plaintiff is seeking civil penalties against Defendants under Labor Code section
23 2699(f) and/or any other applicable statute allowing recovery of civil penalties under the PAGA in an
24 amount to be shown according to proof.

25 26. Pursuant to the PAGA, Labor Code section 2699(g), or any other applicable statute,
26 Plaintiff seeks to recover reasonable attorneys' fees, costs, and filing fees paid to the LWDA in an
27 amount to be shown according to proof.

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32. By way of additional example, the rates/hours for sick pay, meal/rest premiums, regular time, and overtime are inaccurately itemized.

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

34. 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.

35. 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.

36. Plaintiff is seeking civil penalties against Defendants under Labor Code sections 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.

37. 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.

THIRD CAUSE OF ACTION

**(Representative Claim for Civil Penalties Under the PAGA for Violations of Labor Code
Section 510 against all Defendants)**

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

39. Under Labor Code section 510, eight hours of labor constitutes a day's work, and any work in excess of 8 hours in 1 workday, any work in excess of 40 hours in any one workweek, and for the first 8 hours worked on the 7th consecutive day of work in a workweek, shall be compensated at the rate of no less than one and one-half times the regular rate of pay for an employee. Any work in excess of 12 hours in one day shall be compensated at the rate of no less than twice the regular rate

1 of pay for an employee. (Labor Code 510 and IWC Wage Order).

2 40. Upon information and belief, Defendants failed to properly provide its employees with
3 overtime pay for hours worked in excess of eight hours in a workday and/or hours worked in excess
4 of 40 hours in one work week.

5 41. Upon information and belief, Defendants failed to provide its employees with overtime
6 pay at the regular rate of pay. By way of one example, Defendants failed to include all compensation
7 earned (e.g. bonuses) during a given period when determining the regular rate of pay, resulting in the
8 underpayment of overtime wages.

9 42. The PAGA imposes upon Defendants, and each of them, civil penalties for violating
10 Labor Code section 510 and the IWC Wage Order.

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

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

21 45. Plaintiff is seeking civil penalties against Defendants under Labor Code section
22 2699(f), 226.3, and/or any other applicable statute allowing recovery of civil penalties under the
23 PAGA in an amount to be shown according to proof.

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

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1 **FOURTH CAUSE OF ACTION**

2 **(Representative Claim for Civil Penalties Under the PAGA for Violations of Labor Code**
3 **Sections 512, 226.7(b) and Wage Order against all Defendants)**

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

6 48. Under Labor Code section 512, an employer must provide a meal period for at least
7 thirty minutes if the employee works more than five hours. California Labor Code section 512
8 “requires a first meal period no later than the end of an employee’s fifth hour of work [...]” (*Brinker*
9 *Rest. Corp. v. Super. Ct.* (2012) 53 Cal.4th 1004.)

10 49. Labor Code section 226.7 (b) prohibits an employer from requiring an employee to
11 work during a meal period.

12 50. Upon information and belief, during all times relevant to this action, Defendants failed
13 to provide their employees with compliant meal periods in violation of Labor Code sections 512,
14 226.7(b), and the IWC Wage Order.

15 51. The PAGA imposes upon Defendants, and each of them, civil penalties for violating
16 Labor Code section 512 and 226.7(b) and the IWC Wage Order.

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

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

24 54. Plaintiff is seeking civil penalties against Defendants under Labor Code sections
25 2699(f), 558, the IWC Wage Order, and/or any other applicable statute allowing recovery of civil
26 penalties under the PAGA as alleged herein in an amount to be shown according to proof.

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55. 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.

FIFTH CAUSE OF ACTION

**(Representative Claim for Civil Penalties Under the PAGA for Violations of Labor Code
Section 226.7(b) against all Defendants)**

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

57. Under California Labor code section 226.7, rest periods are required for non-exempt employees who work three and a half (3 ½) or more hours in a day. Employees are entitled to ten (10) minutes of rest period for each four (4) hours, or a substantial fraction thereof, that they work in a day.

58. Labor Code section 226.7(b) prohibits an employer to require an employee to work during rest period and provides that an employee must be paid a wage for doing so.

59. Upon information and belief, Defendants, failed to provide their employees with proper rest periods in violation of Labor Code section 226.7(b) and the IWC Wage Order.

60. The PAGA imposes upon Defendants, and each of them, civil penalties for violating the rest break provision in Labor Code section 226.7(b) and the IWC Wage Order.

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

63. 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.

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1 **SEVENTH CAUSE OF ACTION**

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

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

6 72. Under Labor Code sections 246 and 246(l), employers in California must provide
7 employees with paid sick leave to be paid at a specified rate of pay which must factor in additional
8 earnings during a given pay period wherein such leave is used.

9 73. Upon information and belief, Defendants provided its employees additional
10 nondiscretionary payments, including but not limited to, bonuses.

11 74. Upon information and belief, Defendants did not incorporate sick leave resulting in the
12 underpayment of wages. By way of one example, Defendants failed to appropriately incorporate
13 bonuses into regular rate of pay for sick leave wages as required by Labor Code sections 246 and
14 246(1).

15 75. The PAGA imposes upon Defendants, and each of them, civil penalties for violating
16 Labor Code sections 246 and 246 (1).

17 76. Civil penalties under the PAGA are equitable in nature. (*LaFace v. Ralphs Grocery*
18 *Co.* (2022) 75 Cal. App 5th 388, 398-399; *Nationwide Biweekly Admin.. Inc. v. Superior Ct. of*
19 *Alameda Cty.* (2020) 9 Cal. 5th 279.)

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

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

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

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

EIGHTH CAUSE OF ACTION

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

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

82. Under Labor Code section 246(b), an “employee shall accrue paid sick days at the rate of not less than one hour per every 30 hours worked” if the employer elects to use the accrual method under Labor Code section 246.

83. Upon information and belief, Defendants' employees would either not accrue sick leave hours at all or they would accrue sick leave hours at a rate lower than 1 hour per 30 hours worked. As a result, employees received fewer sick days than what they were legally entitled to under Labor Code sections 246(b).

84. Under Labor Code section 246(i), “employers shall provide an employee with written notice that sets forth the amount of paid sick leave available, or paid time off leave an employer provides in lieu of sick leave [...]”.

85. Upon information and belief, Defendants failed to provide available balances of sick leave on its paystubs in accordance with Labor Code section 246(i).

86. Civil penalties under the PAGA are equitable in nature. (*LaFace v. Ralphs Grocery Co.* (2022) 75 Cal.App.5th 388, 398-399; *Nationwide Biweekly Admin., Inc v. Superior Ct. of Alameda Cty.* (2020) 9 Cal.5th 279)

87. 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 88. 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 an
5 amount to be shown according to proof.

6 89. Pursuant to Labor Code section 248.5, if applicable herein, Plaintiff seeks to recover
7 attorneys' fees, costs, equitable relief in the form of civil penalties, in an amount to be show according
8 to proof.

9 90. Pursuant to PAGA, Labor Code section 2699(g), or any other applicable statute,
10 Plaintiff seeks to recover reasonable attorneys' fees, costs, and filing fees paid to the LWDA in an
11 amount to be shown according to proof.

12 **NINTH CAUSE OF ACTION**

13 **(Representative Claim for Civil Penalties Under the PAGA for violations of Labor Code** 14 **Sections 1194 and 1197 against all Defendants)**

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

17 92. Labor Code section 1194, allows workers who get paid less than the legal minimum
18 wage or legal overtime pay to sue their employer for back pay plus interest, reasonable attorney's
19 fees, and court costs.

20 93. Under Labor Code section 1197, an employer is required to pay its employees the
21 proper minimum wages for all hours worked.

22 94. Upon information and belief, Defendants failed to properly provide their employees
23 with minimum wages for all hours worked. Defendants' employees would work many hours without
24 getting compensated for the hours worked and/or not paid the correct minimum wages for all hours
25 worked in violation of Labor Code section 1197. By way of example, Defendants would not
26 compensate employees for commute time, working/communicating with employer during off the
27 clock time, and time spent maintaining the company provided trailer.
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95. The PAGA imposes upon Defendants, and each of them, civil penalties for violating Labor Code section 1197.

96. 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.

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

98. Pursuant to the PAGA, 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 2802 against all Defendants)**

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

100. Labor Code section 2802(a) states that an employer must reimburse employees “for all necessary expenditures” incurred by the employee in “direct consequence of the discharge of his or her duties”

101. Defendants violated Labor Code section 2802. By way of one example, Defendants' employees were required to purchase items for the trailer they operated in discharge of their duties for Defendants. However, Defendants failed to adequately reimburse its employees for all such expenses. Additionally, Defendants' employees should have received proper reimbursement for cell phone usage/charges since they were also using such devices in discharge of their duties.

102. The PAGA imposes upon Defendants, and each of them, civil penalties for violating Labor Code section 2802.

103. 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.

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

105. 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.

ELEVENTH CAUSE OF ACTION

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

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

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

108. 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 their 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.

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

110. 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.

111. 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.

112. Plaintiff is seeking civil penalties against Defendants under Labor Code sections 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.

113. 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.

TWELFTH CAUSE OF ACTION

(Representative Claim for Civil Penalties Under the PAGA for violations of Labor Code Section 226(a)(2) against all Defendants)

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

115. Labor Code section 226(a)(2) requires wage statements that an employer issues to its employees accurately state the total hours worked.

116. Defendants' wage statements issues to their employees failed to accurately state the total hours worked in violation of Labor Code section 226(a)(2).

117. The PAGA imposes upon Defendants, and each of them, civil penalties for violating Labor Code section 226(a)(2).

118. 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.

119. 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.

2 120. Plaintiff is seeking civil penalties against Defendants under Labor Code sections
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.

5 121. 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 **THIRTEENTH CAUSE OF ACTION**

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

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

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

15 124. Defendants failed to accurately state the proper net on the wage statements in violation
16 of Labor Code section 226(a)(5). By way of one example, the wage statements issued to their
17 employees failed to include the accurate amount of net wages because they failed to include the proper
18 amount of wages, including, but not limited to, sick pay wages, meal/rest premium wages, and
19 overtime wages.

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

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

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

1 employee for each pay period.

2 128. Plaintiff is seeking civil penalties against Defendants under Labor Code sections
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.

5 129. 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 **FOURTEENTH CAUSE OF ACTION**

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

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

13 131. Under Labor Code section 226(a) an employer must either keep a duplicate of the
14 wage statement provided to an employee or a computer-generated record that accurately shows all of
15 the information required under 226(a)(1) through(a)(9)

16 132. Upon information and belief, during all times relevant to this action, Defendants failed
17 to keep records required under Labor Code section 226(a). By way of example, the copies of the
18 records kept do not include the accurate gross and net wages, total hours worked, inclusive pay
19 periods, and applicable hourly rates and corresponding hours worked.

20 133. The PAGA imposes upon Defendants, and each of them, civil penalties for violating
21 Labor code section 226(a).

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

26 135. With respect to violations of Labor Code 226, Labor Code section 226.3 imposes a
27 civil penalty of two hundred and fifty dollars (\$250) for initial violations for each employee for each
28

1 pay period, and one thousand dollars (\$1000) for each subsequent violation for each employee for
2 each pay period.

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

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

9 **FIFTEENTH CAUSE OF ACTION**

10 **(Representative Claim for Civil Penalties Under the PAGA for violations of Labor Code** 11 **Section 204 against all Defendants)**

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

14 139. Labor Code section 204 imposes an obligation of timely payment of wages upon
15 California employers.

16 140. Defendants violated Labor Code section 204 because they failed to timely pay their
17 employees al earned wages during a applicable pay period. By way of one example, Defendants failed
18 to pay all earned wages, including, but not limited to, sick pay wages, meal/rest premium wages, and
19 regular/overtime wages in a timely manner as required under Labor Code section 204.

20 141. The PAGA imposes upon Defendants, and each of them, civil penalties for violating
21 Labor Code section 204.

22 142. Labor Code section 210 imposes upon Defendants, and each of them, civil penalties
23 of one hundred dollars (\$100) per pay period, per aggrieved employee for initial violations, and two
24 hundred dollars (\$200) per pay period, per aggrieved employee for subsequent violations.

25 143. Labor Code section 2699(f) imposes upon Defendants, and each of them, civil
26 penalties of one hundred dollars (\$100) per pay period, per aggrieved employee for initial violations
27 for all Labor Code provisions for which a civil penalty is not specifically provided.
28

144. Plaintiff is seeking civil penalties against Defendants under Labor Code sections 210, 2699(f), and/or any other applicable statute allowing recovery of civil penalties under the PAGA in an amount to be shown according to proof.

145. 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 in amount to be shown according to proof.

SIXTEENTH CAUSE OF ACTION

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

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

147. 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.

148. 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, which case the employee is entitled to his or her wages at the time of quitting.”

149. 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 therefor is commenced; but the wages shall not continue for more than 30 days, ...”

150. Upon information and belief, employees did not receive all wages upon termination or separation of employment. By way of one example, employees were owed wages, including, but not limited to, sick pay wages, meal/rest premium wages, and regular /overtime wages. To this date Defendants have not paid all wages upon termination or separation of employment.

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

152. 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 (\$100) per pay period, per aggrieved employee for subsequent violations for all Labor Code provisions for which a civil penalty is not specifically provided.

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

154. 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.

PRAYER FOR RELIEF

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

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

Dated: June 23, 2023

THE JAMI LAW FIRM P.C.

By: 
 Tamim Jami
 Attorney for Plaintiff
 EVA LORENIA RENTERIA