Electronically Received 06/08/2026 10:40 AM

FILED
Superior Court of California
County of Los Angeles
06/08/2026
David W. Slayton, Executive Officer / Clerk of Court
By: F. Sims Deputy

SANI LAW, APC
Sam Sani (SBN 273993)
595 E. Colorado Blvd., Suite 522
Pasadena, CA 91101
Telephone: (310) 935-0405
Facsimile: (310) 935-0409
ssani@sanilawfirm.com

HAINES LAW GROUP, APC
Paul K. Haines (SBN 248226)
2155 Campus Drive, Suite 180
El Segundo, California 90245
Tel: (424) 292-2350
Fax: (424) 292-2355
phaines@haineslawgroup.com

Attorneys for Plaintiff
THERESA RODRIGUEZ

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

THERESA RODRIGUEZ, individually and on behalf of others similarly situated,

Plaintiff,

vs.

BURDETTE-DECOCK, INC dba HOME INSTEAD, a California Corporation; and DOES 1 through 100, inclusive,

Defendants.

Case No.: 25STCV32871

[Assigned for ALL Purposes to the Honorable Judge Theresa M. Traber – Dept. 1

SECOND AMENDED CLASS AND REPRESENTATIVE ACTION COMPLAINT

(1) FAILURE TO REIMBURSE NECESSARY BUSINESS EXPENSES (LABOR CODE §§ 2802, 2804)
(2) UNFAIR COMPETITION (BUS & PROF CODE § 17200 *et seq.*)
(3) CIVIL PENALTIES UNDER THE PRIVATE ATTORNEYS GENERAL ACT
(4) MINIMUM WAGE VIOLATIONS (LABOR CODE §§ 1182.12, 1194, 1194.2, 1197)
(5) WAITING TIME PENALTIES (LABOR CODE §§ 201-203)

DEMAND FOR JURY TRIAL
UNLIMITED CIVIL CASE

Plaintiff Theresa Rodriguez ("Plaintiff"), individually and on behalf of others similarly situated, hereby brings this First Amended Class and Representative Action Complaint against Burdette-DeCock, Inc. dba Home Instead, and DOES 1 through 100, inclusive (collectively, "Defendants"), and on information and belief alleges as follows:

JURISDICTION

1. Plaintiff, individually and on behalf others similarly situated, hereby brings this class action for recovery of unpaid reimbursements under California Business and Professions Code § 17200, *et. seq*., Labor Code §§ 201-203, 1182.12, 1194, 1194.2, 1197, 2698 *et seq.*, 2802, 2804, and Industrial Welfare Commission Wage Order No. 15 ("Wage Order 15"), in addition to seeking declaratory relief and restitution. This class action is brought pursuant to California Code of Civil Procedure section 382. This Court has jurisdiction over Defendants' violations of the California Labor Code because the amount in controversy exceeds this Court's jurisdictional minimum. Plaintiff's First through Second and Fourth through Fifth Causes of Action are brought as a class action on behalf of herself and similarly situated current and former employees of Defendants (hereinafter collectively referred to as the "Class" or "Class Members," as defined more fully in Paragraph 17, below) pursuant to California Code of Civil Procedure section 382. The monetary damages and restitution sought by Plaintiff exceeds the minimal jurisdiction limits of the Superior Court and will be established according to proof at trial.

VENUE

2. Venue is proper in this judicial district pursuant to California Code of Civil Procedure §§ 395(a) and 395.5, as at least some of the acts and omissions complained of herein occurred in the County of Los Angeles. Defendants own, maintain offices, transact business, have an agent or agents within the County of Los Angeles, and/or otherwise are found within the County of Los Angeles, and Defendants are within the jurisdiction of this Court for purposes of service of process.

PARTIES

3. Plaintiff is an individual over the age of eighteen (18). At all relevant times herein, Plaintiff was and currently is, a California resident. During the four years immediately preceding

the filing of the Complaint in this action and within the statute of limitations periods applicable to each cause of action pled herein, Plaintiff was employed by Defendants as a non-exempt employee. Plaintiff was, and is, a victim of Defendants' policies and/or practices complained of herein, lost money and/or property, and has been deprived of the rights guaranteed by California Labor Code sections 201-203, 1182.12, 1194, 1194.2, 1197, 2698 *et seq.*, 2802, 2804, California Business and Professions Code § 17200 et seq. (Unfair Competition), and Wage Order 15, which sets employment standards for household occupations.

4. Plaintiff is informed and believes, and based thereon alleges, that during the four years preceding the filing of the Complaint and continuing to the present, Defendants provide financial services, and employed non-exempt employees within Los Angeles County and the State of California, and, therefore, were (and are) doing business in Los Angeles County and the State of California.

5. Plaintiff does not know the true names or capacities, whether individual, partner, or corporate, of the defendants sued herein as DOES 1 to 100, inclusive, and for that reason, said defendants are sued under such fictitious names, and Plaintiff will seek leave from this Court to amend this Complaint when such true names and capacities are discovered. Plaintiff is informed, and believes, and thereon alleges, that each of said fictitious defendants, whether individual, partners, or corporate, were responsible in some manner for the acts and omissions alleged herein, and proximately caused Plaintiff and the Classes to be subject to the unlawful employment practices, wrongs, injuries and damages complained of herein.

6. Plaintiff is informed, and believes, and thereon alleges, that at all times mentioned herein, Defendants were and are the employers of Plaintiff and all members of the Classes (as defined in Paragraph 17).

7. At all times herein mentioned, each of said Defendants participated in the doing of the acts hereinafter alleged to have been done by the named Defendants; and furthermore, the Defendants, and each of them, were the agents, servants, and employees of each and every one of the other Defendants, as well as the agents of all Defendants, and at all times herein mentioned were acting within the course and scope of said agency and employment. Defendants, and each

of them, approved of, condoned, and/or otherwise ratified each and every one of the acts or omissions complained of herein.

8. At all times mentioned herein, Defendants, and each of them, were members of and engaged in a joint venture, partnership, and common enterprise, and acting within the course and scope of and in pursuance of said joint venture, partnership, and common enterprise. Further, Plaintiff alleges that all Defendants were joint employers for all purposes of Plaintiff and all Class Members, (as defined in Paragraph 17).

GENERAL FACTUAL ALLEGATIONS

9. Plaintiff is informed and believes, and based thereon alleges, that Defendants provide in-home care services for its customers throughout Southern California.

10. Defendants employed Plaintiff as a as a non-exempt employee from approximately August 2021 through approximately August 2025. Throughout her employment with Defendants, Plaintiff was generally responsible for caring for clients, including transporting clients, bathing them, performing grocery shopping, showering and dressing clients, and performing house work.

11. At all relevant times set forth herein, Defendants employed Plaintiff and Class Members as hourly-paid or non-exempt employees.

12. At all relevant times set forth herein, Plaintiff generally worked days, nights, weekends, or weekdays during shifts ranging from four to 12 hours in connection with assignments with clients that lasted days, weeks, or months.

13. During the relevant period, Defendants' policy and/or practice required Plaintiff and, on information and belief, other non-exempt employees to use their personal cell phones to perform their job duties, including by requiring such employees to download an electronic application ("App") onto their personal cell phones to (1) receive work assignments and (2) to punch-in and punch-out of Defendants' timekeeping system upon their arrival to work and upon their departure from work daily using the App, and the timestamp from each time-punch would be treated as the employee's clock-in/out time.

14. Although Plaintiff and, on information and belief, other non-exempt employees incurred these expenses at the direction of Defendants and/or in the direct discharge of their job

duties, Defendants did not reasonably reimburse Plaintiff and, on information and belief, other non-exempt employees for such necessary work expenditures because Defendants' reimbursement and payroll policy and/or practice (1) reimbursed Plaintiff and, on information and belief, other non-exempt employees approximately $5.00 per month for a "cell reimbursement," and (2) Defendants taxed all such reimbursement amounts, such that Plaintiff and, on information and belief, other non-exempt employees did not receive reasonable reimbursements for all such expenses that they incurred, as mandated by Labor Code section 2802.

15. During the relevant time period, Defendants utilized a timekeeping policy/practice of requiring Plaintiff and, on information and belief, other non-exempt employees to punch-in and punch-out of Defendants' timekeeping system upon their arrival to work and upon their departure from work using an app on their personal cell phones, and the timestamp from each punch-in/out would be treated as the employee's exact clock-in/out time. Upon information and belief, Defendants also maintained a policy and/or practice of time rounding and/or time shaving employees' hours worked ("Time Shaving Policy") such that Plaintiff and, on information and belief, other non-exempt employees were not compensated for all hours actually worked. Plaintiff and, on information and belief, other non-exempt employees are therefore owed unpaid minimum wages for the hours during which they worked but received no compensation as a result of Defendants' policy and/or practice of time shaving. *See Camp v. Home Depot U.S.A., Inc.*, 84 Cal. App. 5th 638, 660 (2022) ("employer must pay the employee for 'all the time' worked" where the employer "has captured the exact amount of time and employee has worked during a shift"); *see also Troester v. Starbucks Corporation*, 5 Cal. 5th 829 (2018).

16. As a result of Defendants' failure to pay Plaintiff and, on information and belief, other non-exempt employees all minimum wages owed, Defendants failed to pay them all wages owed upon termination of employment, in violation of Labor Code section 203.

CLASS ACTION ALLEGATIONS

17. **Class Definitions:** Plaintiff brings this action on behalf of herself and the following Classes pursuant to section 382 of the Code of Civil Procedure:

a. The Reimbursement Class consists of all of Defendants' current and former non-exempt employees in California who were required to use their personal cell phone to perform their job duties for Defendants without reasonable reimbursement, during the four years immediately preceding the filing of this Complaint through the present.

b. The Minimum Wage Class consists of all of Defendants' current and former non-exempt employees in California who were subject to Defendants' Time Shaving Policy during the four years immediately preceding the filing of the Complaint through the present;

c. Waiting Time Penalty Class consists of all formerly employed members of the Minimum Wage Class who separated their employment from Defendants during the three years immediately preceding the filing of the Complaint through the present.

18. **Numerosity/Ascertainability**: The members of the Classes are so numerous that joinder of all members would be unfeasible and not practicable. The membership of the classes and subclasses are unknown to Plaintiff at this time; however, it is estimated that the Classes number greater than four hundred (400) individuals as to each Class. The identity of such membership is readily ascertainable via inspection of Defendants' employment records.

19. **Common Questions of Law and Fact Predominate/Well Defined Community of Interest**: There are common questions of law and fact as to Plaintiff and all other similarly situated employees, which predominate over questions affecting only individual members including, without limitation to:

a. Whether Defendants' policies and/or practices provided reasonable reimbursement for personal cell phone expenses incurred by members of the Reimbursement Class;

b. Whether Defendants' policies and/or practices paid members of the Minimum Wage Class at least the applicable California minimum wage for all hours worked in a workday;

c. Whether Defendants properly paid all final wages to members of the Waiting Time Class at the time of separation from employment;

d. Whether Defendants engaged in unlawful, unfair, illegal, and/or deceptive business practices by and through the wage and hour policies and practices described above, and whether, as a result, Defendants owe the classes restitution.

20. **Predominance of Common Questions**: Common questions of law and fact predominate over questions that affect only individual members of the Classes. The common questions of law set forth above are numerous and substantial and stem from Defendants' policies and/or practices applicable to each individual class member, such as Defendants' failure to compensate minimum wages for all hours worked, Defendants' failure to reasonably reimburse necessary business expenses, and failure to timely pay all final wages upon termination of employment. Thus, common questions predominate over individual questions concerning each individual class member's showing as to her or her eligibility for recovery or as to the amount of her or her damages.

21. **Typicality**: The claims of Plaintiff are typical of the claims of the Classes because Plaintiff was employed by Defendants as a non-exempt employee in California during the statute(s) of limitation applicable to each cause of action pled in the Complaint in this action. As alleged herein, Plaintiff, like the members of the Classes, was deprived of all earned minimum wages, was deprived of reasonable reimbursement for her necessary personal cell phone expenses, and was deprived of payment of all final wages upon the termination of his employment with Defendants.

22. **Adequacy of Representation**: Plaintiff is fully prepared to take all necessary steps to represent fairly and adequately the interests of the members of the Classes. Moreover, Plaintiff's attorneys are ready, willing and able to fully and adequately represent the members of the Classes and Plaintiff. Plaintiff's attorneys have prosecuted and defended numerous wage-and-hour class actions in state and federal courts in the past and are committed to vigorously prosecuting this action on behalf of the members of the classes.

23. **Superiority**: The California Labor Code is broadly remedial in nature and serves

an important public interest in establishing minimum working conditions and standards in California. These laws and labor standards protect the average working employee from exploitation by employers who have the responsibility to follow the laws and who may seek to take advantage of superior economic and bargaining power in setting onerous terms and conditions of employment. The nature of this action and the format of laws available to Plaintiff and members of the Classes make the class action format a particularly efficient and appropriate procedure to redress the violations alleged herein. If each employee were required to file an individual lawsuit, Defendants would necessarily gain an unconscionable advantage since they would be able to exploit and overwhelm the limited resources of each individual plaintiff with their vastly superior financial and legal resources. Moreover, requiring each member of the Class(es) to pursue an individual remedy would also discourage the assertion of lawful claims by employees who would be disinclined to file an action against their former and/or current employer for real and justifiable fear of retaliation and permanent damages to their careers at subsequent employment. Further, the prosecution of separate actions by the individual class members, even if possible, would create a substantial risk of inconsistent or varying verdicts or adjudications with respect to the individual class members against Defendants herein; and which would establish potentially incompatible standards of conduct for Defendants; and/or legal determinations with respect to individual class members which would, as a practical matter, be dispositive of the interest of the other class members not parties to adjudications or which would substantially impair or impede the ability of the class members to protect their interests. Further, the claims of the individual members of the class are not sufficiently large to warrant vigorous individual prosecution considering all of the concomitant costs and expenses attending thereto. As such, the Classes identified in Paragraph 17 are maintainable as a Class under section 382 of the Code of Civil Procedure.

FIRST CAUSE OF ACTION

FAILURE TO REIMBURSE BUSINESS EXPENSES

(AGAINST ALL DEFENDANTS)

24. Plaintiff re-alleges and incorporates by reference all previous paragraphs.

25. It was necessary for Plaintiff and members of the Reimbursement Class to use their personal cell phones to perform their job duties. Although Plaintiff and members of the Reimbursement Class incurred these expenses at the direction of Defendants and/or in the direct discharge of their job duties, Defendants did not reasonably reimburse these employees for such necessary work expenditures as alleged herein during the four years preceding the filing of the Complaint as alleged herein.

26. At all relevant times herein, Defendants were subject to Labor Code section 2802, which states that "an employer shall indemnify his or her employees for all necessary expenditures or losses incurred by the employee in direct consequence of the discharge of his or her duties, or of his or her obedience to the directions of the employer."

27. At all relevant times herein, Defendants were subject to Labor Code section 2804, which states that "any contract or agreement, express or implied, made by any employee to waive the benefits of this article or any part thereof, is null and void, and this article shall not deprive any employee or his personal representative of any right or remedy to which he is entitled under the laws of this State."

28. As a proximate result of Defendants' policies and/or practices in violation of Labor Code sections 2802 and 2804, Plaintiff and members of the Reimbursement Class were damaged in sums, which will be shown according to proof.

29. Plaintiff and members of the Reimbursement Class are entitled to attorneys' fees and costs of suit pursuant to Labor Code section 2802(c) for bringing this action.

30. Pursuant to Labor Code section 2802(b), any action brought for the reimbursement of necessary expenditures carries interest at the same rate as judgments in civil actions. Thus, Plaintiff and members of the Reimbursement Class are entitled to interest, which shall accrue from the date on which they incurred the initial necessary expenditure.

SECOND CAUSE OF ACTION

UNFAIR COMPETITION

(AGAINST ALL DEFENDANTS)

31. Defendants have engaged and continue to engage in unfair and/or unlawful

business practices in California in violation of California Business and Professions Code § 17200 et seq. by engaging in the unlawful conduct described above, including failing to reasonably reimburse all necessary business expenditures.

32. Defendants' utilization of these unfair and/or unlawful business practices deprived Plaintiff and continues to deprive members of the Classes of compensation to which they are legally entitled, constitutes unfair and/or unlawful competition, and provides an unfair advantage over Defendants' competitors who have been and/or are currently employing workers and attempting to do so in honest compliance with applicable wage and hour laws.

33. Because Plaintiff is a victim of Defendants' unfair and/or unlawful conduct alleged herein, Plaintiff for herself and on behalf of the members of the Classes, seeks full restitution of monies, as necessary and according to proof, to restore any and all monies withheld, acquired and/or converted by Defendants pursuant to Business and Professions Code sections 17203 and 17208.

34. The acts complained of herein occurred within the last four years immediately preceding the filing of the Complaint in this action.

35. Plaintiff was compelled to retain the services of counsel to file this court action to protect her interests and those of the Classes, to obtain restitution and injunctive relief on behalf of Defendants' current hourly non-exempt employees and to enforce important rights affecting the public interest. Plaintiff has thereby incurred the financial burden of attorneys' fees and costs, which he is entitled to recover under Code of Civil Procedure § 1021.5.

THIRD CAUSE OF ACTION

PAGA CIVIL PENALTIES

(AGAINST ALL DEFENDANTS)

36. Plaintiff re-alleges and incorporates by reference all previous paragraphs.

37. Defendants have committed several Labor Code violations against Plaintiff, members of the Classes, and other similarly aggrieved employees. Plaintiff, as an "aggrieved employee" within the meaning of Labor Code § 2698 *et seq.*, acting on behalf of herself and other similarly aggrieved employees, bring this representative action against Defendants to recover the

civil penalties due to Plaintiff, the members of the Classes, other similarly aggrieved employees, and the State of California according to proof pursuant to Labor Code section 2699 (a) and (f) including, but not limited to $100.00 for each initial violation and $200 for each subsequent violation per employee per pay period for the following Labor Code violations:

a. Failing to reasonably reimburse Plaintiff and other similarly aggrieved employees for all necessary business expenses incurred at the direction of Defendant and/or in the direct discharge of their job duties in violation of Labor Code section 2802.

38. On or about November 10, 2025, Plaintiff notified Defendant via certified mail and filed an online PAGA claim notice with the California Labor and Workforce Development Agency ("LWDA") identifying Defendant's violations of the California Labor Code identified in this First Amended Class and Representative Action Complaint and Plaintiff's intent to bring a claim for civil penalties under California Labor Code section 2698 *et seq*. Plaintiff also submitted a filing fee of seventy-five ($75.00) to the LWDA in accordance with Labor Code section 2699.3. Sixty-five days have passed from the date of Plaintiff's notice to the LWDA, and thus Plaintiff has exhausted her administrative remedies, thereby allowing her to commence a civil action against Defendants pursuant to Labor Code section 2699.

39. Plaintiff was compelled to retain the services of counsel to file this court action to protect their interests and the interests of other similarly aggrieved employees, and to assess and collect the civil penalties owed by Defendants. Plaintiff has thereby incurred attorneys' fees and costs, which they are entitled to receive under California Labor Code § 2699.

FOURTH CAUSE OF ACTION

MINIMUM WAGE VIOLATIONS

(AGAINST ALL DEFENDANTS)

40. Plaintiff re-alleges and incorporates by reference all previous paragraphs.

41. Wage Order 15 and California Labor Code §§ 1197 and 1182.12 establish the right of employees to be paid minimum wages for all hours worked, in amounts set by state law. Labor Code §§ 1194(a) and 1194.2(a) provide that an employee who has not been paid the legal minimum wage as required by Labor Code § 1197 may recover the unpaid balance together with

attorneys' fees and costs of suit, as well as liquidated damages in an amount equal to the unpaid wages and interest accrued thereon.

42. As discussed in the factual allegations contained herein, Defendants failed to conform their timekeeping practices to the requirements of the law. Accordingly, Plaintiff and members of the Minimum Wage Class were not compensated for all hours worked including, but not limited to, all hours they were subject to the control of Defendants and/or suffered or permitted to work under the California Labor Code and Wage Order 15.

43. Defendants' policy and practice of not paying all minimum wages violates California Labor Code sections 204, 210, 216, 558, 1182.12, 1197.1, 1198, and Wage Order 15.

44. Such a practice and uniform administration of corporate policy regarding illegal employee compensation is unlawful and creates an entitlement to recovery by Plaintiff and members of the Minimum Wage Class in a civil action for the unpaid amount of minimum wages, liquidated damages, including interest thereon, statutory penalties, attorney's fees, and costs of suit according to California Labor Code sections 204, 210, 216, 558, 1194, 1198, and Code of Civil Procedure section 1021.5.

FIFTH CAUSE OF ACTION

WAITING TIME PENALTIES

(AGAINST ALL DEFENDANTS)

45. Plaintiff re-alleges and incorporates by reference all previous paragraphs.

46. This cause of action is brought pursuant to Labor Code sections 201-203, which require an employer to pay all wages earned immediately at the time of termination of employment in the event the employer discharges the employee or the employee provides at least 72 hours of notice of his/her intent to quit. In the event the employee provides less than 72 hours of notice of his/her intent to quit, said employee's wages become due and payable not later than 72 hours upon said employee's last date of employment.

47. Plaintiff is informed and believes, and based thereon alleges, that Defendants failed to timely pay Plaintiff and members of the Waiting Time Penalty Class all final wages due to them at the time of their separation which includes, among other things, unpaid minimum

wages. Further, Plaintiff is informed and believes, and based thereon alleges, that as a matter of uniform policy and practice, Defendants continue to fail to pay members of the Waiting Time Penalty Class all earned wages at the end of employment in a timely manner pursuant to the requirements of Labor Code sections 201-203. Defendants' failure to pay all final wages was wilful within the meaning of Labor Code section 203.

48. Defendants' willful failure to timely pay Plaintiff and the members of the Waiting Time Penalty Class their earned wages upon separation from employment results in a continued payment of wages up to thirty (30) days from the time the wages were due. Therefore, Plaintiff and members of the Waiting Time Penalty Class are entitled to compensation pursuant to Labor Code section 203, plus reasonable attorneys' fees and costs of suit.

PRAYER

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

1. For an order certifying the proposed Classes;
2. For an order appointing Plaintiff as representative of the Classes;
3. For an order appointing Counsel for Plaintiff as Counsel for the Classes;
4. Upon the First Cause of Action, for compensatory, consequential, general and special damages according to proof pursuant to Labor Code §§ 2802 and 2804;
5. Upon the Second Cause of Action, for restitution to Plaintiff and members of the Class of all money and/or property 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.*;
6. Upon the Third Cause of Action, for civil penalties due to Plaintiff, other similarly aggrieved employees, and the State of California according to proof pursuant to Labor Code §§ 558 and 2699(a) and (f) including, but not limited to: (1) $50.00 for each initial violation and $100 for each subsequent violation of Labor Code § 558 per employee per pay period plus an amount sufficient to recover the unpaid wages and; (2) $100.00 for each initial violation and $200 for each subsequent

violation per employee per pay period for the violations of the Labor Code Sections cited in Labor Code § 2699.5;

7. Upon the Fourth Cause of Action, for payment of unpaid minimum wages, liquidated damages, and penalties according to proof pursuant to Labor Code sections 558, 1194, 1194.2 and 1199;
8. Upon the Fifth Cause of Action, for statutory penalties pursuant to Labor Code sections 201-203;
9. Prejudgment interest on all due and unpaid wages pursuant to California Labor Code sections 218.6, 2802, and Civil Code §§ 3287 and 3289;
10. On all causes of action, for attorneys' fees and costs as provided by Labor Code sections 218.5, 1194 *et seq.*, 2698 *et seq.*, 2802, and Code of Civil Procedure § 1021.5; and
11. For such other and further relief the Court may deem just and proper.

Dated: May 26, 2026

SANI LAW, APC

By: Sam Sani

Sam Sani
Attorneys for Plaintiff
THERESA RODRIGUEZ

DEMAND FOR TRIAL BY JURY

Plaintiff demands a trial by jury as to all causes of action triable by a jury.

Dated: May 26, 2026

SANI LAW, APC

By: 

Sam Sani
Attorneys for Plaintiff
THERESA RODRIGUEZ