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FILED
 Superior Court of California
 County of Los Angeles

06/12/2026

David W. Slayton, Executive Officer / Clerk of Court

By: C. Gomez Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

AVEON GOOSBY and AMERICO PENA, as
 private attorneys general,

Plaintiff,

vs.

PANDA RESTAURANT GROUP, INC., a
 California corporation; PANDA EXPRESS, INC.,
 a California corporation; and DOES 1 through 50,
 inclusive,

Defendants.

Case No. 23STCV15228

**THIRD AMENDED REPRESENTATIVE
 ACTION COMPLAINT**

**(1) Violations of the California Labor Code
 (Lab. Code §§ 2698 et seq.)**

DEMAND OVER \$35,000.00

1 Plaintiffs Aveon Goosby and Americo Pena submit this Third Amended Representative Action
2 Complaint (the “Complaint”) against Defendants Panda Restaurant Group, Inc., Panda Express, Inc.,
3 and Does 1 through 50 (collectively, “Defendants”), as a proxy for the State of California.

4 JURISDICTION AND VENUE

5 1. The Complaint seeks relief exceeding \$35,000.00. The Court has jurisdiction of
6 Defendants’ violations of Labor Code sections 201-204, 226, 510, 1182.12, 1197, 1198, and 1391.

7 2. Venue is proper because Defendants are headquartered in the County of Los Angeles.
8 Defendants also maintains business locations in the County of Los Angeles and employ aggrieved
9 individuals who perform their duties in the County of Los Angeles.

10 PARTIES

11 3. Plaintiffs are individuals who at all times herein mentioned were and are residents of
12 Fresno, California.

13 4. Plaintiff is informed and believes and thereon alleges that Defendants operate various
14 restaurants with locations throughout the State of California.

15 5. Plaintiff is informed and believes that Panda Restaurant Group, Inc. was and is a
16 California corporation. Plaintiff is informed and believes that Panda Express, Inc. was and is a
17 California corporation. Plaintiff is informed and believes that at all times herein mentioned named
18 defendants and Does 1 through 50, were and are corporations, business entities, individuals, or
19 partnerships that are and were licensed to do business and actually doing business in the State of
20 California.

21 6. During the time of Plaintiff’s employment with Defendants, each of them regularly
22 exercised direct and indirect control of Plaintiff’s wages, working hours, and working conditions during
23 Plaintiff’s employment for Defendants. Plaintiff further alleges that each of the said individual
24 Defendants, including unknown Defendants identified herein as Does, also directly and indirectly
25 controlled the working conditions, wages, working hours, and working conditions of Plaintiff.

26 7. Plaintiff does not know the true names or capacities of the defendants sued herein as
27 Does 1 through 50, whether individual, partner, or corporate, and for that reason, said defendants are
28 sued under such fictitious names. Plaintiff prays for leave to amend this Complaint when the true names

1 and capacities are known. Plaintiff is informed and believes that each of said fictitious defendants was
2 responsible in some way for the matters alleged herein and proximately caused the illegal employment
3 practices, wrongs, and injuries complained of herein.

4 8. At all times mentioned herein, each of said Defendants participated in the doing of the
5 acts alleged herein. Defendants, and each of them, were the agents, servants, or employees of each of
6 the other Defendants, as well as the agents of all Defendants, and were acting within the course and
7 scope of said agency and employment.

8 9. Plaintiff is informed and believes that at all times material hereto, each of said
9 Defendants was the agent, employee, alter ego, or joint venturer of, or was working in concert with,
10 each of the other Defendants and was acting within the course and scope of such agency, employment,
11 joint venture, or concerted activity. To the extent said acts, conduct, or omissions were perpetrated by
12 certain Defendants, each of the remaining Defendants confirmed and ratified said acts, conduct, or
13 omissions of the acting Defendants.

14 10. Plaintiff is informed and believes that at all times material hereto each of the Defendants
15 (i) aided and abetted the acts and omissions of each of the other Defendants in proximately causing the
16 alleged harms, or (ii) were members of, engaged in, and acting within the course and scope of, and in
17 pursuance of, a joint venture, partnership, or common enterprise.

18 **FACTUAL ALLEGATIONS**

19 11. Plaintiff Goosby worked for Defendants from on or about November 9, 2021, to on or
20 about June 11, 2022. Plaintiff Pena worked for Defendants from on or about November 2021 to on or
21 about June 2023. Plaintiffs worked in Fresno, California. Plaintiffs worked for Defendants and were
22 paid on an hourly basis as non-exempt employees. Despite being scheduled for work shifts and showing
23 up for such shifts, Plaintiffs were routinely told to go home as their shifts were cancelled due to reasons
24 such as overstaffing. But Plaintiffs were not paid for the time that they spent in showing up for these
25 shifts. As a result, Plaintiffs were not timely paid all due wages during employment or upon separation
26 of employment and also was not provided with accurate itemized wage statements. Moreover, while
27 under the age of 18, Plaintiffs also were required to work hours not allowed under Labor Code section
28 1391. For example, Defendants required Plaintiffs to work more than four hours on schooldays and to

1 work after 10:00 p.m. on days preceding a schoolday. Plaintiffs are informed and believe that they were
2 not issued any work permits under Education Code section 49112(c) that would permit such work
3 hours.

4 12. Defendants routinely require Plaintiffs and other employees under the age of 18 to work
5 hours not allowed under Labor Code section 1391. For example, Defendant requires Plaintiffs and other
6 employees under the age of 18 to work more than four hours on schooldays and to work after 10:00
7 p.m. on days preceding a schoolday. Plaintiffs are informed and believes that they and other employees
8 under the age of 18 were not issued any work permits under Education Code section 49112(c) that
9 would permit such work hours.

10 13. On numerous occasions, Plaintiff Goosby complained to his manager, Bee Yang, about
11 being required to work more than four hours on schooldays and being required to work after 10:00 p.m.
12 on days preceding schooldays. In or around April of 2022, Plaintiff Goosby is informed and believes
13 that the area coach Argie Santoyo acknowledged that Plaintiff Goosby and other employees under the
14 age of 18 should not be required to work more than four hours on schooldays or to work after 10:00
15 p.m. on days preceding schooldays. Nonetheless, Bee Yang continued to require Plaintiff Goosby and
16 other employees under the age of 18 to work more than four hours on schooldays and to work after
17 10:00 p.m. on days preceding schooldays. When a human resources representative visited Plaintiff
18 Goosby's store, Plaintiff Goosby informed the human resources representative that employees under the
19 age of 18 were required to work more than four hours on schooldays and being required to work after
20 10:00 p.m. on days preceding schooldays. Plaintiff Goosby also continued to complain to Bee Yang
21 about the work hours. Instead of no longer requiring Plaintiff Goosby to work more than four hours on
22 schooldays or to work after 10:00 p.m. on days preceding schooldays, Defendants terminated Plaintiff
23 Goosby's employment on June 11, 2022.

24 **PAGA ALLEGATIONS**

25 14. Pursuant to the Labor Code Private Attorneys General Act of 2004, Labor Code §§ 2698
26 et seq. ("PAGA"), Plaintiffs bring this cause of action as a proxy for the State of California. In this
27 capacity, Plaintiffs seek penalties for Defendants' violations of Labor Code sections 201-204, 226, 510,
28 1182.12, 1197, 1198, and 1391 committed since May 18, 2022, against all aggrieved employees. Under

Section 2699(c), Plaintiffs are “aggrieved employees,” as one or more of the alleged violations were committed against Plaintiffs as employees of Defendants.

15. On or about May 18, 2023, Plaintiff Goosby sent written notice to the Labor & Workforce Development Agency (“LWDA”) of Defendants’ violations of Labor Code section 1391, including facts and theories to support the violations. On or about June 20, 2024, Plaintiff Pena sent written notice to the Labor & Workforce Development Agency (“LWDA”) of Defendants’ violations of Labor Code sections 201-204, 226, 510, 1182.12, 1197, 1198, and 1391, including facts and theories to support the violations. Plaintiffs simultaneously sent written notice to Defendants via certified mail. As of the date of the filing of this Complaint, the LWDA has neither responded nor indicated that it intends to investigate the allegations in the written notice.

16. The Labor Code is broadly remedial in nature. Its laws serve an important public interest in establishing minimum working conditions and requirements in California. These labor standards protect employees from onerous terms and conditions of employment or exploitation by employers who have superior economic and bargaining power.

17. Defendants’ pattern, practice, and uniform administration of corporate policy in violation of the Labor Code is unlawful. Proof of a common business practice or factual pattern will establish the rights of Plaintiff and aggrieved employees under Labor Code section 1391, applicable IWC Wage Orders, and Code of Civil Procedure section 1021.5 to recover applicable penalties, reasonable attorneys’ fees, and costs of suit.

FIRST CAUSE OF ACTION

Violation of California Labor Code (Lab. Code §§ 2698 Et Seq.)

(By Plaintiffs as Proxies for the State Against All Defendants)

18. The preceding paragraphs are re-alleged and incorporated by this reference.

19. As stated herein, Defendants fail to (i) pay all regular, overtime, and reporting time pay wages, (ii) timely pay all wages during employment or upon termination of employment, and (iii) provide complete and accurate itemized wage statements. Moreover, Defendants also uniformly administer a corporate policy and practice of routinely requiring Plaintiff and other employees under the age of 18 to work more than four hours on schooldays and to work after 10:00 p.m. on days preceding a

1 schoolday. Plaintiffs are informed and believe that they and other aggrieved employees were not issued
2 any work permits under Education Code section 49112(c) that would permit such work hours.

3 20. As such, pursuant to Section 2699(a), (f), and (g), Plaintiffs seek recovery of all
4 applicable penalties for Defendants' violations against all aggrieved employees for the period described
5 above.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiffs pray for judgment against Defendants, jointly and severally, as
8 follows:

9 1. For all applicable penalties pursuant to Labor Code section 2699(a), (f), and (g), and for
10 attorneys' fees and costs;

11 2. Upon each cause of action for attorneys' fees and costs as provided by the Labor Code
12 and Code of Civil Procedure section 1021.5; and

13 3. For such other and further relief that the Court may deem just and proper.
14

15 DATED: June 2, 2026

DIVERSITY LAW GROUP, P.C.

16 By: 
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Larry W. Lee

Simon L. Yang

18 Attorneys for Plaintiffs
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PROOF OF SERVICE

(Code of Civil Procedure Sections 1013a, 2015.5)

STATE OF CALIFORNIA]
]ss.
COUNTY OF LOS ANGELES]

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 515 S. Figueroa Street, Suite 1250, Los Angeles, California 90071.

On June 12, 2026, I served the following document(s) described as: **THIRD AMENDED REPRESENTATIVE ACTION COMPLAINT** on the interested parties in this action as follows:

Mark D. Kemple Matthew J. Weber Debi Del Grande Michael Kolvek Greenberg Traurig, LLP 1840 Century Park East, 19 th Floor Los Angeles, California 90067	<i>Attorneys for Defendants Panda Restaurant Group, Inc. and Panda Express, Inc.</i> kemplem@gtlaw.com Matthew.Weber@gtlaw.com Debi.DelGrande@gtlaw.com Michael.Kolvek@gtlaw.com
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 X BY ELECTRONIC SERVICE VIA CASE ANYWHERE: Based on a court order I caused the above-entitled document(s) to be served through Case Anywhere at the website www.caseanywhere.com, addressed to all parties appearing on the electronic service list for the above-entitled case. The service transmission was reported as complete and a copy of the Case Anywhere Filing Receipt/Confirmation will be filed, deposited, or maintained with the original document(s) in this office.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on June 12, 2026, at Los Angeles, California.



Erika Mejia