

DIVERSITY LAW GROUP, P.C.
Larry W. Lee (State Bar No. 228175)
lwlee@diversitylaw.com
Kristen M. Agnew (State Bar No. 247656)
kagnew@diversitylaw.com
Nicholas Rosenthal (State Bar No. 268297)
nrosenthal@diversitylaw.com
515 South Figueroa Street, Suite 1250
Los Angeles, California 90071
Telephone: (213) 488-6555
Facsimile (213) 488-6554

POLARIS LAW GROUP
William L. Marder (State Bar No. 170131)
bill@polarislawgroup.com
501 San Benito Street, Suite 200
Hollister, California 95023
Telephone: (831) 531-4214
Facsimile (831) 634-0333

Attorneys for Plaintiff and the Aggrieved Employees

Electronically FILED by
Superior Court of California,
County of Los Angeles
7/20/2023 10:49 AM
David W. Slayton,
Executive Officer/Clerk of Court,
By J. Nunez, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

ALEXIS TRISTAN, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

AMERICAN HOMES 4 RENT, L.P., a Delaware
limited partnership; and DOES 1 through 50,
inclusive,

Defendants

Case No. **23STCV17006**

**REPRESENTATIVE ACTION COMPLAINT
FOR VIOLATION OF CAL. LABOR CODE
§ 2698, ET SEQ.**

DEMAND OVER \$25,000.00

1 Plaintiff Alexis Tristan (“Plaintiff”) hereby submits this representative action complaint
2 (“Complaint”) against Defendant American Homes 4 Rent, L.P. (“Defendant”), and Does 1 through 50
3 (collectively, “Defendants”), on behalf of herself and aggrieved employees of Defendant, for penalties
4 for violations of the California Labor Code as follows:

5 INTRODUCTION

6 1. This representative action is within the Court’s jurisdiction under California Labor Code
7 sections 226 and 2698 *et seq.*, and the applicable Wage Orders of the Industrial and Welfare
8 Commission (the “IWC”).

9 2. This Complaint challenges systemic illegal employment practices resulting in violations
10 of the California Labor Code against Defendants’ employees.

11 3. Plaintiff is informed and believes and based thereon alleges that Defendants jointly and
12 severally have acted intentionally and with deliberate indifference and conscious disregard to the rights
13 of all employees by failing to provide accurate and complete wage statements to employees.

14 JURISDICTION AND VENUE

15 4. The Court has jurisdiction over the violations of California Labor Code sections 226 and
16 2698 *et seq.*

17 5. Venue is proper in Los Angeles County because Plaintiff performed work for Defendant
18 in Palmdale, California.

19 PARTIES

20 6. Plaintiff was employed by Defendant as an hourly non-exempt employee during the
21 approximate period of February 17, 2015 to on or about May 16, 2023.

22 7. Plaintiff is informed and believes and based thereon alleges that Defendant American
23 Homes 4 Rent, L.P. is a Delaware limited partnership doing business in the State of California,
24 including in Los Angeles County.

25 8. Plaintiff is informed and believes that at all times herein mentioned Defendant and Does
26 1 through 50, are and were corporations, business entities, individuals, or partnerships that were and are
27 licensed to do business and actually doing business in the State of California.

28 9. As such, and based upon all the facts and circumstances incident to Defendants’

business in California, Defendants are subject to Labor Code sections 226 and 2698 *et seq.*, and the applicable Wage Orders.

10. Plaintiff does not know the true names or capacities of the defendants sued as Does 1 through 50, whether individual, partner, or corporate, and thus sues them under such fictitious names. Plaintiff prays for leave to amend this Complaint when the true names and capacities are known. Plaintiff is informed and believes that each of said fictitious defendants was responsible in some way for the matters alleged herein and proximately caused the illegal employment practices, wrongs, and injuries complained of herein.

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

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

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

FIRST CAUSE OF ACTION

VIOLATION OF LABOR CODE § 2698, *ET SEQ.*

(BY PLAINTIFF AND AGGRIEVED EMPLOYEES AGAINST ALL DEFENDANTS)

14. Plaintiff re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

15. Plaintiff brings this cause of action as a proxy for the State of California, and in this

1 capacity, seeks penalties on behalf of all Aggrieved Employees for Defendant's violation of Labor
2 Code section 226(a) from May 15, 2022 through the present, arising from Defendant's failure to
3 provide proper and accurate wage statements.

4 16. Labor Code section 226(a) requires that employers provide itemized wage statements to
5 employees that show accurate information, including without limitation, the total hours worked. The
6 wage statements provided to Plaintiff and Aggrieved Employees failed to include such information.
7 Whenever overtime wages were paid, Defendant failed to adhere to Labor Code section 226(a)(2)'s
8 mandate that the wage statements accurately identify the total hours worked by the employee during the
9 pay period. Indeed, when Defendant paid overtime wages to Plaintiff and Aggrieved Employees, the
10 hours displayed on the corresponding wage statement do not equal the actual total hours worked during
11 the pay period.

12 17. On May 15, 2023, Plaintiff sent written notice to the California Labor & Workforce
13 Development Agency ("LWDA") of Defendant's violation of Labor Code section 226(a), pursuant to
14 Labor Code section 2698, et seq., the Private Attorney General Act ("PAGA"). To date, the LWDA has
15 not responded to Plaintiff's written notice.

16 18. As such, pursuant to Labor Code section 2699(a), Plaintiff seeks recovery of any and all
17 applicable civil penalties for Defendant's violation of Labor Code section 226(a), for the time period
18 described above, on behalf of herself and other Aggrieved Employees.

19 **PRAYER FOR RELIEF**

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

22 1. Upon the First Cause of Action, for civil penalties according to proof pursuant to Labor
23 Code section 2698, et seq., and for costs and attorneys' fees;

24 2. Upon each cause of action for attorneys' fees and costs as provided by Labor Code
25 section 2699 and Code of Civil Procedure section 1021.5; and

26 3. For such other and further relief that the Court may deem just and proper.
27
28

1 DATED: July 20, 2023

DIVERSITY LAW GROUP, P.C.
POLARIS LAW GROUP

2
3
4 By: _____

Larry W. Lee

Kristen M. Agnew

Nicholas Rosenthal

5 William L. Marder

6 Attorneys for Plaintiff and the Aggrieved
7 Employees