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By _____, Deputy
23CV005034

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO**

CURTIS WOOTEN, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

PRIDE INDUSTRIES, a California
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.:

**REPRESENTATIVE ACTION COMPLAINT
FOR:**

**(1) VIOLATION OF LABOR CODE § 2698,
ET SEQ., THE PRIVATE ATTORNEYS
GENERAL ACT**

DEMAND OVER \$25,000.00

BY FAX

1 Plaintiff Curtis Wooten ("Plaintiff") hereby submits this PAGA Representative Action
2 Complaint ("Complaint") against Defendant PRIDE Industries ("Defendant") and Does 1
3 through 50 (hereinafter collectively referred to as , "Defendants"), as an individual and on behalf
4 of all other aggrieved employees of Defendants for penalties pursuant to the Private Attorneys
5 General Act, Labor Code § 2698, *et seq.* ("PAGA"), for Defendants' violations of the California
6 Labor Code, as follows:

7 INTRODUCTION

8 1. This Complaint is within the Court's jurisdiction under California Labor Code §§
9 201-204, 226, 227.3, 510, 558, 1194, 1197, 1197.1 and 2698, *et seq.*, , and the applicable Wage
10 Orders of the California Industrial Welfare Commission ("IWC").

11 2. This Complaint challenges systemic illegal employment practices resulting in
12 violations of the California Labor Code against individuals who worked for Defendants.

13 3. Plaintiff is informed and believes, and based thereon alleges, that Defendants,
14 jointly and severally, have acted intentionally and with deliberate indifference and conscious
15 disregard to the rights of all employees by failing to pay overtime wages at the correct regular
16 rate of pay, failing to pay all wages upon separation of employment, failing to pay vested but
17 unused vacation time at the correct rate of pay, and failing to provide accurate itemized wage
18 statements to its employees in the State of California.

19 4. Plaintiff is informed and believes, and based thereon alleges, that Defendants
20 have engaged in, among other things a system of willful violations of the California Labor Code,
21 the applicable IWC Wage Orders , by creating and maintaining policies, practices, and customs
22 that knowingly deny employees the above stated rights and benefits.

23 5. The policies, practices, and customs of defendants described above and below
24 have resulted in unjust enrichment of Defendants and an unfair business advantage over
25 businesses that routinely adhere to the strictures of the California Labor Code

26 JURISDICTION AND VENUE

27 6. The Court has jurisdiction over the violations of the California Labor Code §§
28 201-204, 226, 227.3, 510, 558, 1194, 1197, 1197.1, and 2698, *et seq.*, the applicable IWC Wage

1 Orders.

2 7. Venue is proper in Sacramento County, because Defendants are located in
3 Sacramento County and Plaintiff worked for Defendants in Sacramento, California.

4 **PARTIES**

5 8. Plaintiff began employment with Defendants on or about March 23, 2023, as a
6 non-exempt hourly employee and is no longer employed by Defendants. Plaintiff worked as a
7 Custodian at the Sacramento International Airport. At all relevant times, Plaintiff earned an
8 hourly wage of approximately \$17.50 per hour.

9 9. Plaintiff was and is the victim of the policies, practices, and customs of
10 Defendants complained of in this action in ways that have deprived him of the rights guaranteed
11 by California Labor Code §§ 201-204, 226, 227.3, 510, 558, 1194, 1197, 1197.1, and 2698, *et*
12 *seq.* and the applicable IWC Wage Orders.

13 10. Plaintiff is informed and believes, and based thereon alleges, that Defendant
14 PRIDE Industries was and is a California corporation that provides recruitment, training, and
15 personnel for third-party businesses throughout the State of California, including in the County
16 of Sacramento. Plaintiff is informed and believes, and based thereon alleges, that Defendant
17 provides jobs for individuals with disabilities.

18 11. Plaintiff is informed and believes, and based thereon alleges, that at all times
19 herein mentioned Does 1 through 50, are and were corporations, business entities, individuals,
20 and partnerships, licensed to do business and actually doing business in the State of California.
21 As such and based upon all the facts and circumstances incident to Defendants' business,
22 Defendants are subject to the California Labor Code, and the IWC Wage Orders.

23 12. Plaintiff does not know the true names or capacities, whether individual, partner,
24 or corporate, of the defendants sued herein as Does 1 through 50, inclusive, and for that reason,
25 said defendants are sued under such fictitious names, and Plaintiff prays for leave to amend this
26 Complaint when the true names and capacities are known. Plaintiff is informed and believes and
27 based thereon alleges that each of said fictitious defendants was responsible in some way for the
28 matters alleged herein and proximately caused Plaintiff and members of the general public and

1 class to be subject to the illegal employment practices, wrongs, and injuries complained of
2 herein.

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

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

15 15. At all times herein mentioned, Defendants, and each of them, were members of,
16 and engaged in, a joint venture, partnership, and common enterprise, and acting within the course
17 and scope of, and in pursuance of, said joint venture, partnership, and common enterprise.

18 16. At all times herein mentioned, the acts and omissions of various Defendants, and
19 each of them, concurred and contributed to the various acts and omissions of each and all of the
20 other Defendants in proximately causing the injuries and damages as herein alleged. At all times
21 herein mentioned, Defendants, and each of them, ratified each and every act or omission
22 complained of herein. At all times herein mentioned, Defendants, and each of them, aided and
23 abetted the acts and omissions of each and all of the other Defendants in proximately causing the
24 damages as herein alleged.

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FIRST CAUSE OF ACTION

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

(BY PLAINTIFF AND AGGRIEVED EMPLOYEES AGAINST ALL DEFENDANTS)

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

18. Plaintiff brings this cause of action as a proxy for the State of California and in this capacity, seeks penalties on behalf of all Aggrieved Employees in the State of California from May 10, 2022, through the present, for Defendants' violations of Labor Code §§ 201-204, 226, 227.3, 510, 558, 1194, 1197, and 1197.1, arising from Defendants' policy and practice of: (a) failing to pay proper overtime wages for all hours worked greater than eight hours in day and/or greater than 40 hours in a workweek in violation of Labor Code §§ 201-204, 510, 558, 1194, 1197, and 1197.1; (b) failing to pay final wages, including vacation wages, at the final regular rate of pay, in violation of Labor Code §§ 201-203, 227.3; (c) failing to provide accurate itemized wage statements, in violation of Labor Code § 226(a); and (d) failing to pay sick wages at the regular rate of pay, in violation of Labor Code § 246.

19. On or about May 10, 2023, Plaintiff sent written notice to the California Labor & Workforce Development Agency ("LWDA") of Defendants' violations of Labor Code §§ 201-204, 226, 510, 558, 1194, 1197, and 1197.1, pursuant to the PAGA. In addition to the LWDA, Plaintiff also sent her notice to Defendants via certified mail pursuant to Labor Code § 2699.3.

20. On or about May 17, 2023, Plaintiff sent supplemental written notice to the California Labor & Workforce Development Agency ("LWDA") of Defendants' additional violations of Labor Code § 227.3, and 246 pursuant to the PAGA. In addition to the LWDA, Plaintiff also sent notice to Defendants via certified mail pursuant to Labor Code § 2699.3.

21. As of the date of the filing of this Complaint, the LWDA has not responded to Plaintiff's written notice nor indicated that it intends to investigate the Labor Code violations provided for in the written notice.

22. As such, pursuant to Labor Code § 2699(a), Plaintiff seeks recovery of any and all applicable civil penalties for Defendants' violations of Labor Code §§ 201-204, 226, 227.3, 510,

1 558, 1194, 1197, and 1197.1, for the time period described above, on behalf of herself and other
2 Aggrieved Employees.

3 **PRAYER FOR RELIEF**

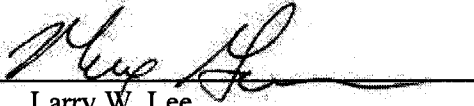
4 1. WHEREFORE, Plaintiff prays for judgment for himself and all others on whose
5 behalf this suit is brought against Defendants, jointly and severally, as follows:

6 2. Upon the First Cause of Action, for the full amount of penalties pursuant to
7 California Labor Code §§ 201-204, 226, 226.3, 227.3, 510, 558, 1194, 1197, 1197.1 and 2698, *et*
8 *seq.*, and for costs and attorneys' fees; and

9 3. For such other and further relief the Court may deem just and proper.

10
11 DATED: July 19, 2023

DIVERSITY LAW GROUP, P.C.
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12
13
14 By: 

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