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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE

JOSE M. PARADA, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

GPI CA-TII, INC., a Delaware corporation; and
DOES 1 through 50, inclusive,

Defendants

Case No. 30-2023-01323821-CU-OE-CXC

**FIRST AMENDED CLASS AND
REPRESENTATIVE ACTION COMPLAINT**

**(1) VIOLATION OF CAL. LABOR CODE §
226(a)**

**(2) VIOLATION OF CAL. LABOR CODE §
2698, *ET SEQ.***

DEMAND OVER \$25,000.00

1 Plaintiff Jose M. Parada (“Plaintiff”) hereby submits this first amended class and representative
2 action complaint (“Complaint”) against Defendant GPI CA-TII, Inc. and Does 1 through 50
3 (collectively, “Defendants”), individually and on behalf of a class of all other similarly situated current
4 and former employees of Defendants, for penalties and/or damages for failure to provide accurate and
5 complete wage statements as follows:

6 INTRODUCTION

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

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

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

15 JURISDICTION AND VENUE

16 4. The Court has jurisdiction over the violations of California Labor Code sections 226 and
17 2698 *et seq.*

18 5. Venue is proper in Orange County because Plaintiff performed work for Defendant in
19 Anaheim, California.

20 PARTIES

21 6. Plaintiff commenced employment with Defendant, on or about June 16, 2021.
22 Throughout his employment, Plaintiff has been paid on an hourly basis as a non-exempt employee.

23 7. Plaintiff is informed and believes and based thereon alleges that Defendant GPI CA-TII,
24 Inc. is a Delaware corporation doing business in the State of California, including in Orange 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.

CLASS ACTION ALLEGATIONS

14. **Definition:** Pursuant to Code of Civil Procedure section 382, Plaintiff seeks class certification of the following class: all current and former non-exempt employees of Defendant in the State of California who received the payment of any form of “NP” wages, such as “NP Rest” and “NPWORK” wages, at any time from May 5, 2022, through the present (the “Class” or “Class Members”).

1 15. **Numerosity and Ascertainability:** The members of the Class are so numerous that
2 joinder of all members would be impractical, if not impossible. The identities of the members of the
3 Class are readily ascertainable by review of Defendant’s records, including payroll records. Plaintiff is
4 informed and believes and based thereon alleges that Defendant failed to provide accurate and complete
5 wage statements in violation of Labor Code section 226.

6 16. **Adequacy of Representation:** Plaintiff is fully prepared to take all necessary steps to
7 represent fairly and adequately the interests of the Class defined above. Plaintiff’s attorneys are ready,
8 willing, and able to fully and adequately represent Plaintiff and the Class. Plaintiff’s attorneys have
9 prosecuted and settled wage-and-hour class actions in the past and continue to litigate numerous wage-
10 and-hour class actions currently pending in California state and federal courts.

11 17. **Common Question of Law and Fact:** There are predominant common questions of law
12 and fact and a community of interest amongst Plaintiff and the claims of the Class concerning
13 Defendant’s failure to provide accurate and complete wage statements in violation of Labor Code
14 section 226.

15 18. **Typicality:** The claims of Plaintiff are typical of the claims of all members of the Class
16 in that Plaintiff suffered the alleged harms in a similar and typical manner as other members of the
17 Class suffered. As with other members of the Class, Plaintiff received itemized wage statements
18 concurrent with the payment of wages. Whenever Plaintiff received the payment of “NP” wages,
19 including “NP Rest” and “NPWORK,” the corresponding wage statement failed to list the accurate
20 rates of pay for such wages. As such, Plaintiff is a member of the Class and has suffered the alleged
21 violations of California Labor Code section 226 and the applicable Wage Orders.

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

26 20. The nature of this action and the format of laws available to Plaintiff and members of the
27 Class make the class action format a particularly efficient and appropriate procedure to redress the
28 wrongs alleged herein. If each employee were required to file an individual lawsuit, the corporate

1 Defendant would necessarily gain an unconscionable advantage since they would be able to exploit and
2 overwhelm the limited resources of each individual plaintiff with their vastly superior financial and
3 legal resources. Requiring each member of the Class to pursue an individual remedy would also
4 discourage the assertion of lawful claims by employees who would be disinclined to file an action
5 against their former or current employer for real and justifiable fear of retaliation and permanent
6 damage to their careers at their current or subsequent employment.

7 21. The prosecution of separate actions by individual members of the Class, even if
8 possible, would create a substantial risk of (a) inconsistent or varying adjudications with respect to
9 individual members of the Class that would establish potentially incompatible standards of conduct for
10 Defendant, or (b) adjudications with respect to individual members of the Class that would, as a
11 practical matter, be dispositive of, or substantially impair or impede the ability to protect, the interests
12 of other members of the Class not parties to the adjudications. Further, the claims of the individual
13 members of the Class are not sufficiently large to warrant vigorous individual prosecution considering
14 the concomitant costs and expenses.

15 22. Defendant's pattern, practice, and uniform administration of corporate policy in
16 violation of the Labor Code is unlawful. Proof of a common business practice or factual pattern will
17 establish the rights of Plaintiff and the Class under Section 226, the applicable IWC Wage Order, and
18 Code of Civil Procedure section 1021.5 to recover applicable penalties, reasonable attorneys' fees, and
19 costs of suit.

20 **FIRST CAUSE OF ACTION**

21 **VIOLATION OF LABOR CODE § 226**

22 **(BY PLAINTIFF AND THE CLASS AGAINST ALL DEFENDANTS)**

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

25 24. Defendant, as a matter of policy and practice, did not provide accurate wage statements
26 to Class Members, in violation of Labor Code section 226(a).

27 25. Labor Code section 226(a) requires that employers provide itemized wage statements to
28 employees that show accurate information, including without limitation, all applicable hourly rates in

1 effect during the pay period. The wage statements provided to Class Members failed to include such
2 information.

3 26. Class Members received itemized wage statements concurrent with the payment of
4 wages. Whenever Class Members received the payment of “NP” wages, including “NP Rest” and
5 “NPWORK,” the corresponding wage statement failed to list the accurate rates of pay for such wages.

6 27. Such a pattern, practice, and uniform administration of corporate policy as described
7 herein is unlawful and creates an entitlement to recovery by the Plaintiff and the Class identified herein,
8 in a civil action, for all damages or penalties pursuant to Labor Code section 226, including interest
9 thereon, attorneys’ fees, and costs of suit according to the mandate of California Labor Code section
10 226.

11 **SECOND CAUSE OF ACTION**

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

13 **(BY PLAINTIFF AND AGGRIEVED EMPLOYEES AGAINST ALL DEFENDANTS)**

14 28. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 27 as though
15 fully set forth herein.

16 29. Plaintiff brings this cause of action as a proxy for the State of California, and in this
17 capacity, seeks penalties on behalf of all Aggrieved Employees for Defendant’s violation of Labor
18 Code section 226(a) from May 2, 2022 through the present, arising from Defendant’s failure to provide
19 proper and accurate wage statements.

20 30. Plaintiff and Aggrieved Employees received itemized wage statements concurrent with
21 the payment of wages. Whenever Plaintiff and Aggrieved Employees received the payment of “NP”
22 wages, including “NP Rest” and “NPWORK,” the corresponding wage statement failed to list the
23 accurate rates of pay for such wages.

24 31. On May 22, 2023, Plaintiff sent written notice to the California Labor & Workforce
25 Development Agency (“LWDA”) of Defendant’s violation of Labor Code section 226(a), pursuant to
26 Labor Code section 2698, *et seq.*, the Private Attorney General Act (“PAGA”). To date, the LWDA has
27 not responded to Plaintiff’s written notice.

28 32. As such, pursuant to Labor Code section 2699(a), Plaintiff seeks recovery of any and all
applicable civil penalties for Defendant’s violation of Labor Code section 226(a), for the time period

described above, on behalf of himself and other Aggrieved Employees.

PRAYER FOR RELIEF

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

1. For an order certifying the proposed Class;
2. For an order appointing Plaintiff as the representative of the Class;
3. For an order appointing Counsel for Plaintiff as Class Counsel;
4. Upon the First Cause of Action, for penalties, costs and attorneys' fees pursuant to Section 226;
5. Upon the Second Cause of Action, for civil penalties pursuant to Labor Code section 2698, *et seq.*, and for costs and attorneys' fees;
6. Upon each cause of action for attorneys' fees and costs as provided by Labor Code sections 226 and 2699, and Code of Civil Procedure section 1021.5; and
7. For such other and further relief that the Court may deem just and proper.

DATED: July 20, 2023

DIVERSITY LAW GROUP, P.C.
POLARIS LAW GROUP

By: _____

Larry W. Lee

Kristen M. Agnew

Nicholas Rosenthal

William L. Marder

Attorneys for Plaintiff and the Class

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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 July 20, 2023, I served the following document(s) described as: **FIRST AMENDED CLASS AND REPRESENTATIVE ACTION COMPLAINT** on the interested parties in this action as follows:

Mark J. Jacobs mjacobs@fisherphillips.com Tanner F. Hosfield thosfield@fisherphillips.com FISHER & PHILLIPS LLP 2050 Main Street, Suite 1000 Irvine, California 92614	<i>Attorneys for Defendant GPI CA-TII, INC.</i>
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 X BY ELECTRONIC SERVICE: Based on a court order I caused the above-entitled document(s) to be served through the One Legal E-Filing System at the website www.onelegal.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 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 July 20, 2023, at Los Angeles, California.



Erika Mejia