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Attorneys for Plaintiff and the Aggrieved Employees

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

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

DEMAND OVER \$25,000.00

1 Plaintiff Jose M. Parada (“Plaintiff”) hereby submits this second amended representative action
2 complaint (“Complaint”) against Defendants GPI CA-TII, Inc. and Group 1 Automotive, Inc., and Does
3 1 through 50 (collectively, “Defendants”), individually and on behalf of all aggrieved employees of
4 Defendants, for penalties for failure to provide accurate and complete wage statements 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 Orange County because Plaintiff performed work for GPI CA-TII,
18 Inc. and Group 1 Automotive, Inc. (collectively, the “Company”) in Anaheim, California.

19 PARTIES

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

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

24 8. Plaintiff is informed and believes and based thereon alleges that Defendant Group 1
25 Automotive, Inc. is a Delaware corporation doing business in the State of California, including in
26 Orange County.

27 9. Plaintiff is informed and believes that at all times herein mentioned the Company and
28 Does 1 through 50, are and were corporations, business entities, individuals, or partnerships that were

1 and are licensed to do business and actually doing business in the State of California.

2 10. As such, and based upon all the facts and circumstances incident to Defendants'
3 business in California, Defendants are subject to Labor Code sections 226 and 2698 *et seq.*, and the
4 applicable Wage Orders.

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

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

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

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

25 **FIRST CAUSE OF ACTION**

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

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

28 15. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 14 as though

1 fully set forth herein.

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

6 17. Plaintiff and Aggrieved Employees received itemized wage statements concurrent with
7 the payment of wages. Whenever Plaintiff and Aggrieved Employees received the payment of "NP"
8 wages, including "NP Rest" and "NPWORK," the corresponding wage statement failed to list the
9 accurate rates of pay for such wages.

10 18. On May 22, 2023, Plaintiff sent written notice to the California Labor & Workforce
11 Development Agency ("LWDA") of GPI CA-TII, Inc.'s violation of Labor Code section 226(a),
12 pursuant to Labor Code section 2698, *et seq.*, the Private Attorney General Act ("PAGA"). On August
13 31, 2023, Plaintiff sent a supplemental written notice to the LWDA of Group 1 Automotive, Inc.'s
14 violation of Labor Code section 226(a). To date, the LWDA has not responded to Plaintiff's written
15 notices.

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

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff prays for judgment for himself 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 pursuant to Labor Code section 2698,
23 *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
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1 DATED: September 6, 2023

DIVERSITY LAW GROUP, P.C.
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2
3
4 By: _____

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5 William L. Marder

6 Attorneys for Plaintiff and the Aggrieved
7 Employees

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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 September 6, 2023, I served the following document(s) described as: **SECOND 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 September 6, 2023, at Los Angeles, California.



Erika Mejia