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Attorney for Plaintiff
Omar Montverde

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

OMAR MONTVERDE, on behalf of himself and all aggrieved employees,	) NO. 23PSCV02782
	)
Plaintiff,	) 1. Unpaid Wages Violations
	) 2. Meal Period Violations
v.	) 3. Rest Period Violations
	) 4. Wage Statement Penalty
APPLIED STAFF, LLC, and DOES 1 to 100,	) 5. Waiting Time Penalties
	) 6. Unfair Competition
Defendants.	) 7. PAGA Penalties
	)

PRELIMINARY ALLEGATIONS

1. Plaintiff Omar Montverde is a resident of Los Angeles County.
2. Defendant Applied Staff, LLC is a limited liability company that is based in Los Angeles County; Applied Staff, LLC is a temporary services employer.
3. Plaintiff does not know the names and capacities of Does 1 to 100 and therefore use fictitious names. Plaintiff will amend pursuant to Code of Civil Procedure section 474 when the names and capacities are known.
4. The named and Doe defendants are referred to as "Defendants" and are the alter ego of each other and are collectively liable for the acts below.
5. Plaintiff and the aggrieved employees were assigned to work by Defendants.

1 6. Plaintiff and the aggrieved employees were not paid for all hours worked, did not receive
2 compliant meal and rest breaks, and are owed wage statement penalties and waiting time penalties.

3 7. On June 22, 2023 Plaintiff sent a PAGA letter to Applied Staff, LLC and uploaded the
4 PAGA letter to the LWDA website. Since it has been more than 65 days, Plaintiff may now request
5 PAGA penalties.

6
7 FIRST CAUSE OF ACTION

8 UNPAID WAGES VIOLATIONS

9 Against All Defendants

10 8. Plaintiff incorporates by reference paragraphs 1 to 7 of the complaint.

11 9. Plaintiff was not paid for hours worked off the clock; instead Defendants pre-filled in the
12 time cards to make it appear that Plaintiff worked but did not pay for work performed not within
13 the pre-filled time periods.

14 10. Therefore pursuant to Labor Code section 1194, Plaintiff is entitled to all unpaid wages
15 including overtime, plus interest, costs, and attorney fees.

16
17 SECOND CAUSE OF ACTION

18 MEAL PERIOD VIOLATIONS

19 Against All Defendants

20 11. Plaintiff incorporates by reference paragraphs 1 to 7 of the complaint.

21 12. Pursuant to Labor Code section 512 and Wage Order 4, Plaintiff should have received
22 thirty-minute meal periods for every five hours of work.

23 13. Plaintiff did not receive compliant meal periods, thus pursuant to Labor Code section 226.7,
24 Plaintiff is entitled to an additional hour of compensation for each missed meal period at the regular
25 rate of pay.

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1 THIRD CAUSE OF ACTION

2 REST PERIOD VIOLATIONS

3 Against All Defendants

4 14. Plaintiff incorporates by reference paragraphs 1 to 7 of the complaint.

5 15. Pursuant to Wage Order 4, Plaintiff should have received ten-minute meal periods for every
6 four hours of work.

7 16. Plaintiff did not receive these rest periods, thus Plaintiff is entitled to additional hours of
8 compensation for each time they missed a rest period at the regular rate of pay.

9
10 FOURTH CAUSE OF ACTION

11 WAGE STATEMENT PENALTIES

12 Against All Defendants

13 17. Plaintiff incorporates by reference paragraphs 1 to 7 of the complaint.

14 18. The wage statements did not comply with Labor Code section 226 since they did not list all
15 hours worked.

16 19. As a result, Plaintiff is entitled to wage statement penalties, and attorney fees.

17
18 FIFTH CAUSE OF ACTION

19 WAITING TIME PENALTIES

20 Against All Defendants

21 20. Plaintiff incorporates by reference paragraphs 1 to 7 of the complaint.

22 21. Plaintiff is still owed wages for work performed off the clock.

23 22. Thus, waiting time penalties under Labor Code section 203 apply.

24
25 SIXTH CAUSE OF ACTION

26 UNFAIR COMPETITION

27 Against All Defendants

28 23. Plaintiff incorporates by reference paragraphs 1 to 7 of the complaint.

1 24. Defendants engaged in the unlawful prong of the Unfair Competition Law, which included
2 taking not paying all wages and premium pay.

3 25. Pursuant to Business and Professions Code section 17203, restitution applies.
4

5 SEVENTH CAUSE OF ACTION

6 PAGA PENALTIES

7 Against All Defendants

8 26. Plaintiff incorporates by reference paragraphs 1 to 7 of the complaint.

9 27. The PAGA penalties contained in Labor Code sections 558 and 1197.1 apply to the unpaid
10 wages violations.

11 28. The PAGA penalties in Labor code 558 and 2699 apply to the missed meal breaks.

12 29. The PAGA penalties in Labor Code section 2699 apply to the rest break violations

13 30. The PAGA penalties in Labor Code section 2699 apply to the wage statement violations.

14 31. The PAGA penalties in Labor Code section 2699 apply to the waiting time penalties.

15 32. Plaintiff complied with the procedure in Labor Code section 2699.3.

16 33. Thus Plaintiff is also entitled to attorney fees under Labor Code section 2699.
17

18 PRAYER

19 First Cause of Action

20 1. Payment of all unpaid wages plus interest

21 2. Attorney fees and costs

22 3. Other relief the court deems proper
23

24 Second Cause of Action

25 1. Premium pay for each missed break

26 2. Interest

27 3. Other relief the court deems proper

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1 Third Cause of Action

2 1. Premium pay for each missed break

3 2. Interest

4 3. Other relief the court deems proper

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6 Fourth Cause of Action

7 1. Wage statement penalties

8 2. Attorney fees and costs

9

10 Fifth Cause of Action

11 1. Waiting time penalties

12

13 Sixth Cause of Action

14 1. Restitution

15 2. Attorney fees under CCP 1021.5

16 3. Other relief the court deems proper

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18 Seventh Cause of Action

19 1. All applicable PAGA penalties

20 2. Attorney fees and costs

21 3. Other relief the court deems proper

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23 Date: September 11, 2023

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