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Clerk of the Superior Court
By Hannah Houston-Will, Deputy Clerk

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SAN DIEGO, HALL OF JUSTICE**

10 KAREN PUSHEA,) Case No: 37-2023-00043908-CU-MC-CTL
11 Plaintiff,)
12 v.) PRIVATE ATTORNEY GENERAL ACT
SPROUTS FARMERS MARKET, LLC;) ("PAGA") COMPLAINT
13 and DOES 1-10, inclusive,)
14 Defendants.)
15

16 **THE PARTIES AND GENERAL ALLEGATIONS**

- 17 1. All allegations herein are made on information and belief.
18 2. At all times relevant herein, Plaintiff KAREN PUSHEA ("Plaintiff") was an
19 individual residing in San Diego, California.
20 3. Prior to and in or about March 2023, Plaintiff was employed as an Assistant Store
21 Manager ("ASM") by Defendant SPROUTS FARMERS MARKET, LLC ("Defendant"). Plaintiff
22 had been employed by Defendant since 1996.
23 4. At all times relevant herein, Defendant was a limited liability company operating in
24 San Diego, California.
25 5. The true names and capacities of the other Defendants sued herein under California
26 Code of Civil Procedure § 474 as DOES 1 through 10 are unknown to Plaintiff, who therefore sues
27 Defendants by such fictitious names. Each of the fictitiously named Defendants is responsible in
28 some manner for the events herein referred to and caused the damages hereinafter alleged. DOES 1-

10 are hereby incorporated by reference each time reference is made to “Defendant,” or each of them, or to an individual Defendant.

6. Each Defendant acted as an agent, servant, employee, alter-ego and/or joint venturer of each other Defendant, and in doing the things alleged herein acted within the course and scope of such agency, employment, alter-ego and/or in furtherance of the joint venture. Each of the Defendant’s acts alleged herein was done with the consent of each of the other Defendants. All actions or failures to act by individual agents of Defendants were ratified by Defendants.

7. Venue is proper in the County of San Diego because Defendant does business here.

8. On June 6, 2023, Plaintiff sent a PAGA letter via certified mail to Defendant and uploaded the required information to the Labor and Workforce Development Agency (“LWDA”) website. The notice was assigned LWDA case number LWDA-CM-959495-23. No action has been taken by LWDA. Thus, the 65-day PAGA notice period has elapsed.

9. Plaintiff is an “aggrieved employee” within the meaning of California Labor Code § 2699(c) and a proper representative to bring a civil action on behalf of herself and other current and former female employees of Defendant (“Aggrieved Employees”) pursuant to the procedures specified in California Labor Code § 2699.3, because Plaintiff was employed by Defendant and the violations of the California Labor Code were committed against Plaintiff.

10. Pursuant to the Private Attorney General Act of 2004 (“PAGA”), Labor Code §§ 2698-2699.5, Plaintiff and/or Aggrieved Employees, and each of them, seek to recover civil penalties, including but not limited to those authorized under California Labor Code § 2699, as well as attorneys fees and costs pursuant to California Labor Code § 2699(g)(1) and .

FIRST CAUSE OF ACTION

(Private Attorney General Act Claim For Violation of Equal Pay Act (Labor Code § 1197.5)

Against All Defendants)

11. Plaintiff incorporates by reference the paragraphs set forth above.

12. During the course of performance of her duties as ASM, Plaintiff learned that male employees were being paid more than she was for substantially similar work, and more than other female employees were being paid for substantially similar work.

1 13. The wage differential between male employees and Plaintiff and Aggrieved
2 Employees is not based on (A) a seniority system; (B) a merit system; (C) a system that measures
3 earnings by quantity or quality of production; or (D) a bona fide factor other than sex, such as
4 education, training, or experience.

5 14. Plaintiff complained about Defendant's Labor Code § 1197.5 pay violation, she was
6 subsequently discharged in violation of Labor Code § 1197.5(k).

7 15. Defendant violated Labor Code § 1197.5 by paying Plaintiff and/or Aggrieved
8 Employees, and each of them, less than male employees for substantially similar work.

9 16. Defendant violated Labor Code § 1197.5(k) by retaliating against Plaintiff and/or
10 Aggrieved Employees, and each of them, for seeking to enforce Labor Code § 1197.5.

11 17. Pursuant to the California Private Attorney General Act of 2004 ("PAGA"), Labor
12 Code §§ 2698-2699.5, Plaintiff and/or Aggrieved Employees, and each of them, are entitled to
13 recover civil penalties, including but not limited to those authorized under California Labor Code §§
14 2699 and 1197.5.

15 18. Additionally, Plaintiff and/or Aggrieved Employees, and each of them, are entitled to
16 attorneys fees and costs pursuant to Labor Code § 2699(g).

17 Based on the foregoing, Plaintiff and/or Aggrieved Employees, and each of them, pray:

- 18 A. For penalties pursuant to Labor Code §§ 1197.5 and 2699;
19 C. For attorneys fees;
20 D. For costs of suit; and
21 E. For such other and further relief as the Court considers proper.

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23 Dated: October 10, 2023

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