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

PAIGE KAUTZ, as an individual and on behalf of
all others similarly situated,

Plaintiff,

vs.

FOUNDATION PARTNERS GROUP, LLC; and
DOES 1 through 50, inclusive,

Defendants.

Case No. 26CV00446

**FIRST AMENDED CLASS ACTION
COMPLAINT**

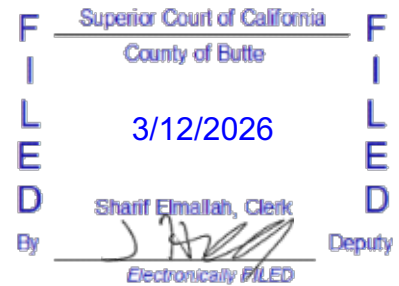
(1) Violation of Labor Code § 226(a);

(2) Violation of Labor Code § 2802;

(3) Violation of Bus. & Prof. Code § 17200 *et seq.*; and

(4) Violation of Labor Code § 2698 *et seq.*

DEMAND OVER \$35,000



1 On behalf of herself and other similarly situated current and former employees, Plaintiff Paige
2 Kautz (“Plaintiff”) submits this First Amended Class Action Complaint (“Complaint”) against Defendant
3 Foundation Partners Group, LLC (“Defendant”) and Does 1 through 50 (collectively, “Defendants”).

4 INTRODUCTION

5 1. This Complaint concerns systemic employment practices that violate the California Labor
6 Code. The Complaint seeks penalties, damages, and other relief pursuant to Labor Code sections 226,
7 2698 et seq., and 2802, the Unfair Competition Law, codified at Business and Professions Code section
8 17200 *et seq.* (the “UCL”), and the applicable Wage Orders of the California Industrial Welfare
9 Commission (“IWC”).

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

13 3. Plaintiff is informed and believes, and based thereon alleges, that Defendants, jointly and
14 severally, have acted intentionally and with deliberate indifference and conscious disregard to the rights
15 of Plaintiff and the Class by: (a) failing to provide accurate itemized wage statements, in violation of
16 Labor Code section 226(a); (b) failing to reimburse employees for work-related expenditures, in violation
17 of Labor Code section 2802; and (c) engaging in Unfair Business Practices in violation of the UCL, the
18 California Labor Code, and the applicable IWC Wage Orders.

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

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

27 JURISDICTION AND VENUE

28 6. The Court has jurisdiction over the violations of Labor Code sections 226, 2698 et seq.,

1 and 2802, the UCL, and the applicable Wage Orders.

2 7. Venue is proper in Butte County because Plaintiff performed work for Defendant in Butte
3 County.

4 **PARTIES**

5 8. Since July 8, 2025, Plaintiff has been employed by Defendant in the position of Transfer
6 Care Specialist. Throughout her employment, Plaintiff has been classified as an hourly, non-exempt
7 employee.

8 9. Plaintiff was and is the victim of the policies, practices, and customs of Defendant
9 complained of in this action in ways that have deprived him of the rights guaranteed by California Labor
10 Code sections 226 and 2802, the applicable IWC Wage Orders, and the UCL.

11 10. Plaintiff is informed and believes, and based thereon alleges, that Foundation Partners
12 Group, LLC is a limited liability company formed under the laws of Delaware that owns and operates a
13 nationwide network of funeral homes, cremation centers, and cemeteries, including operations within the
14 State of California.

15 11. Plaintiff is informed and believes that at all times herein mentioned Defendant and Does
16 1 through 50, are and were corporations, business entities, individuals, or partnerships that were and are
17 licensed to do business and actually doing business in the State of California. The facts and circumstances
18 of Defendants' business subject Defendants to Labor Code sections 226, 2698 et seq., and 2802, the UCL,
19 and the applicable Wage Orders.

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

27 13. At all times herein mentioned, each defendant participated in the doing of the acts
28 hereinafter alleged to have been done by the named Defendants; and furthermore, Defendants, and each

1 of them, were the agents, servants, and employees of each of the other defendants, as well as the agents
2 of all Defendants, and at all times herein mentioned, were acting within the course and scope of said
3 agency and employment.

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

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

13 16. At all times herein mentioned, the acts and omissions of various Defendants, and each of
14 them, concurred and contributed to the various acts and omissions of each and all of the other Defendants
15 in proximately causing the injuries and damages as herein alleged. At all times herein mentioned,
16 Defendants, and each of them, ratified each and every act or omission complained of herein. At all times
17 herein mentioned, Defendants, and each of them, aided and abetted the acts and omissions of each and all
18 of the other Defendants in proximately causing the damages as herein alleged.

19 CLASS ACTION ALLEGATIONS

20 17. **Definition:** Pursuant to Code of Civil Procedure section 382, Plaintiff seeks class
21 certification of the following class and subclasses: (i) all individuals who were employed by Defendant
22 as non-exempt employees in the State of California at any time from January 8, 2022, through the present
23 (the “Class” or “Class Members”); and (ii) all individuals who were employed by Defendant as non-
24 exempt employees in the State of California and received the payment of “Removal” wages at any time
25 from January 8, 2025, through the present (the “Wage Statement Sub-Class”).

26 18. **Numerosity and Ascertainability:** The members of the Class are so numerous that
27 joining all members would be impractical, if not impossible. The identities of the members of the Class
28 are readily ascertainable by review of Defendant’s records, including payroll records. Plaintiff is informed

1 and believes that Defendant violated Labor Code sections 226 and 2802, and the UCL by failing to furnish
2 accurate itemized wage statements, and failing to reimburse necessary and reasonable business expenses.

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

8 20. **Common Question of Law and Fact:** There are predominant common questions of law
9 and fact and a community of interest amongst the claims of Plaintiff and of the Class. Plaintiff is informed
10 and believes that Defendant uniformly administers a corporate policy and practice of routinely failing to
11 furnish accurate itemized wage statements, and failing to reimburse necessary and reasonable business
12 expenses.

13 21. **Typicality:** The claims of Plaintiff are typical of the claims of all members of the Class in
14 that Plaintiff suffered the alleged harms in a similar and typical manner as other members of the Class
15 suffered. As with other members of the Class, Plaintiff was required to use her personal cell phone and
16 mobile data or internet to perform work duties for Defendant, including, but not limited to, keeping track
17 of her work hours and communicating with other employees. Plaintiff was not reimbursed for any of the
18 related expenses. Additionally, Plaintiff received piece rate wages, including "Removal" wages. When
19 Plaintiff received piece rate wages, the corresponding wage statements failed to identify the applicable
20 number of pieces and rate of pay. Rather, the wage statements only identified the gross amount being paid
21 for the piece rate wages. Plaintiff thus is a member of the Class and has suffered the alleged violations of
22 the Labor Code.

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

27 23. The nature of this action and the format of laws available to Plaintiff and members of the
28 Class make the class action format a particularly efficient and appropriate procedure to redress the wrongs

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

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

16 25. Defendant's pattern, practice, and uniform administration of corporate policy in violation
17 of the Labor Code is unlawful. Proof of a common business practice or factual pattern will establish the
18 rights of Plaintiff and the Class under Labor Code sections 226 and 2802, applicable IWC Wage Orders,
19 the UCL, and Code of Civil Procedure section 1021.5 to recover damages, penalties and restitution,
20 including interest thereon, applicable penalties, reasonable attorneys' fees, and costs of suit.

21 26. This action is brought for the benefit of the Class, which is commonly entitled to a specific
22 fund with respect to the compensation illegally and unfairly retained by Defendants. The Class is
23 commonly entitled to restitution of those funds being improperly withheld by Defendant.

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1 **FIRST CAUSE OF ACTION**

2 **VIOLATION OF LABOR CODE § 226**

3 **(BY PLAINTIFF AND THE WAGE STATEMENT SUB-CLASS AGAINST ALL**
4 **DEFENDANTS)**

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

7 28. Defendant failed in its affirmative obligation to provide accurate itemized wage statements
8 to Plaintiff and Wage Statement Sub-Class Members. The wage statements provided to Plaintiff and Wage
9 Statement Sub-Class Members failed to display the information required by Labor Code section 226(a),
10 including without limitation, the number of piece-rate units earned and any applicable piece rate.

11 29. Plaintiff and Wage Statement Sub-Class Members earned piece rate wages, including
12 “Removal” wages. When Plaintiff and Wage Statement Sub-Class Members received the payment of piece
13 rate wages, the corresponding wage statements failed to identify the applicable number of pieces and rate
14 of pay. Rather, the wage statements only identified the gross amount being paid for the piece rate wages.
15 Plaintiff thus is a member of the Class and has suffered the alleged violations of the Labor Code.

16 30. The issuance of inaccurate wage statements caused injury to Plaintiff and Wage Statement
17 Sub-Class Members under Labor Code section 226(e), as they cannot accurately verify and/or calculate
18 their wages. Without identifying the applicable number of pieces and corresponding rate, Plaintiff and
19 Wage Statement Sub-Class Members will have no way of verifying whether they were correctly paid
20 wages for each particular pay period.

21 31. Such a pattern, practice, and uniform administration of corporate policy as described herein
22 is unlawful and creates an entitlement to recovery by the Plaintiff and the Wage Statement Sub-Class in a
23 civil action, for all damages or penalties pursuant to Labor Code section 226, including interest thereon,
24 attorneys’ fees, and costs of suit according to the mandate of Section 226.

25 **SECOND CAUSE OF ACTION**

26 **VIOLATION OF LABOR CODE § 2802**

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

28 32. The preceding paragraphs are re-alleged and incorporated by this reference.

33. Labor Code section 2802 requires that an employer must reimburse employees for all necessary expenditures and losses incurred in the performance of their jobs. Section 2802 is intended to prevent employers from placing their operating expenses and cost of doing business on employees. *Cochran v. Schwan's Home Service, Inc.*, 228 Cal. App. 4th 1137, 1144 (2014).

34. As a matter of policy and practice, Defendant fails to reimburse Plaintiff and the Class for necessary business expenses incurred in performing their work for Defendant. As a matter of policy and practice, Plaintiff and the Class were required to use their personal cell phones and their own mobile data or internet to perform their job duties, including, but not limited to, keeping track of their work hours and communicating with other employees. Although Plaintiff and the Class were expected to use their personal cell phones and their own mobile data or internet, they were not reimbursed for their related expenses.

35. Such a pattern, practice, and uniform administration of corporate policy is unlawful and entitles Plaintiff and the Class to recover unreimbursed expenses, including interest thereon, attorneys' fees, and costs of suit.

THIRD CAUSE OF ACTION

VIOLATION OF BUS. & PROF. CODE §§ 17200 *ET SEQ.*

(BY PLAINTIFF AND THE CLASS AGAINST ALL DEFENDANTS)

36. The preceding paragraphs are re-alleged and incorporated by this reference.

37. Plaintiff is informed and believes that at Defendant has engaged and continues to engage in unfair and unlawful business practices in California by utilizing the employment policies and practices alleged herein, including the failures to reimburse necessary and reasonable business expenses.

38. Defendant's utilization of such unfair and unlawful business practices constitutes unfair and unlawful competition and provides an unfair advantage over Defendant's competitors, as proscribed by the UCL. Defendant has deprived Plaintiff and the Class the minimum working condition standards and conditions due to them under the Labor Code and applicable IWC Wage Orders.

39. Such a pattern, practice, and uniform administration of corporate policy is unlawful and entitles Plaintiff and the Class to full restitution of all monies withheld, acquired, or converted by Defendant by means of the unfair practices complained of herein, including interest thereon, attorneys’

1 fees, and costs of suit.

2 **FOURTH CAUSE OF ACTION**

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

4 **(BY PLAINTIFF AS A PROXY FOR THE STATE AGAINST ALL DEFENDANTS)**

5 40. The preceding paragraphs are re-alleged and incorporated by this reference.

6 41. Pursuant to the Labor Code Private Attorneys General Act of 2004, Labor Code §§ 2698
7 et seq. (“PAGA”), Plaintiff brings this cause of action as a proxy for the State of California. In this
8 capacity, Plaintiff seeks penalties for Defendant’s violations of Labor Code sections 226 and 2802
9 committed since January 6, 2025, against all aggrieved employees. As stated herein, Defendant fails to
10 provide accurate itemized wage statements and reimburse employees for work-related expenditures.
11 Under Section 2699(c), Plaintiff is an “aggrieved employee,” as one or more of the alleged violations
12 were committed against Plaintiff as an employee of Defendant.

13 42. On or about January 6, 2026, Plaintiff sent written notice to the California Labor &
14 Workforce Development Agency (“LWDA”) of specific facts and theories for Defendant’s above
15 violations. Plaintiff simultaneously sent written notice to Defendant via certified mail. As of the date of
16 the filing of this Complaint, the LWDA has neither responded nor indicated that it intends to investigate
17 the allegations in the written notice.

18 43. As such, pursuant to Section 2699(a), (f), and (g), Plaintiff seeks recovery of all applicable
19 penalties pursuant to Section 2699(a), (f), and (g) for Defendant’s violations against all aggrieved
20 employees for the period described above.

21 **PRAYER FOR RELIEF**

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

- 24 1. For an order certifying the proposed class and sub-class;
- 25 2. For an order appointing Plaintiff as the representatives of the Class;
- 26 3. For an order appointing counsel for Plaintiff as Class Counsel;
- 27 4. Upon the First Cause of Action, for damages and/or penalties pursuant to California Labor
- 28 Code section 226, and for costs and attorneys’ fees;

1 5. Upon the Second Cause of Action, for damages and/or penalties pursuant to California
2 Labor Code section 2802, and for costs and attorneys' fees;

3 6. Upon the Third Cause of Action, for restitution of all funds unlawfully acquired by
4 Defendant by any acts or practices declared to be in violation of the UCL, including interest thereon, and
5 for costs and attorneys' fees;

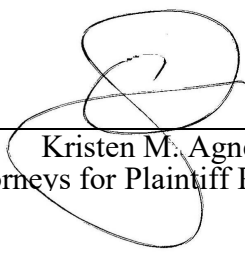
6 7. Upon the Fourth Cause of Action for penalties pursuant to Section 2699(a), (f), and (g),
7 and for costs and attorneys' fees;

8 8. Upon each cause of action for costs and attorneys' fees as provided by the Labor Code,
9 UCL, and Code of Civil Procedure section 1021.5; and

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

11
12 DATED: March 9, 2026

DIVERSITY LAW GROUP, P.C.

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14 By: 
15 Kristen M. Agnew
16 Attorneys for Plaintiff Paige Kautz
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1 **PROOF OF SERVICE**

2 **(Code of Civil Procedure Sections 1013a, 2015.5)**

3
4 STATE OF CALIFORNIA]
5]ss.
6 COUNTY OF LOS ANGELES]

7 I am employed in the County of Los Angeles, State of California. I am over the age of 18
8 and not a party to the within action; my business address is 515 S. Figueroa Street, Suite 1250,
9 Los Angeles, California 90071.

10 On March 12, 2026, I served the following document(s) described as: **FIRST**
11 **AMENDED CLASS ACTION COMPLAINT** on the interested parties in this action as
12 follows:

13 FOUNDATION PARTNERS GROUP, LLC
14 c/o Cogency Global Inc.
15 1325 J Street, Suite 1500
16 Sacramento, CA 95814
17 *Agent for Service of Process*

18 X BY MAIL: by placing _____ the original or X a true and correct copy
19 thereof enclosed, in (a) sealed envelope(s) addressed to the party(ies) listed above or on the
20 attached mailing list. I am readily familiar with the firm's practice for collection and processing
21 of correspondence and other materials for mailing with the United States Postal Service. On this
22 date, I sealed the envelope(s) containing the above materials and placed the envelope(s) for
23 collection and mailing on this date at the address above following our office's ordinary business
24 practices. The envelope(s) will be deposited with the United States Postal Service on this date,
25 in the ordinary course of business.

26 I declare under penalty of perjury under the laws of the State of California that the above
27 is true and correct. Executed on March 12, 2026, at Los Angeles, California.

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Erika Mejia