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Attorney for Plaintiff
Dawn Langley

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN JOAQUIN

DAWN LANGLEY, individually and on behalf of all aggrieved employees,	) NO. STK-CV-UOE-2023-0008810
	)
Plaintiff,	) FIRST AMENDED COMPLAINT
v.	) 1. Minimum Wage Violations
	) 2. Overtime Violations
	) 3. Meal Period Violations
GREAT LAKES SERVICES, LLC, GREAT WOLF	) 4. Rest Period Violations
RESORTS HOLDINGS, INC., and DOES 1 to 100,	) 5. Wage Statement Penalties
	) 6. Waiting Time Penalties
Defendants.	) 7. Violation of Unfair Competition Law
	) 8. PAGA Penalties

PRELIMINARY ALLEGATIONS

1. Plaintiff Dawn Langley is a resident of Stanislaus County.
2. Defendant Great Lakes Services, LLC is a Delaware limited liability company, based in Illinois, that operates Great Wolf Lodges in California (and other states).
3. Defendant Great Wolf Resorts Holdings, Inc. is a Delaware corporation, based in Illinois, that operates Great Wolf Lodges in California.
4. Plaintiff does not know the true names and capacities of Does 1 to 100 and therefore uses fictitious names. Plaintiff will amend the complaint pursuant to Code of Civil Procedure section 474 to allege the true names and capacities when ascertained.
5. The named and Doe defendants are collectively referred to as "Defendants."

1 6. Plaintiff is informed and believes that each of the Defendants was the agent or employee of
2 the other defendants and acted in the scope of agency or employment.

3 7. Venue is proper in San Joaquin County because Plaintiff worked at Defendants' Great Wolf
4 Resort in Manteca; Great Wolf Resorts operate waterparks. In California the locations are in
5 Manteca and Garden Grove.

6 8. Defendants employed Plaintiffs and the class members as resort staff. Therefore, Wage
7 Order 5 applies.

8 9. The class members include people who worked at any of the following resorts within the
9 class period as described below: Manteca and Garden Grove.

10 10. Plaintiff worked for Defendants from June 2022 to June 2023.

11 11. Plaintiff and the class members were not exempt since they did not customarily and
12 regularly exercise discretion and independent judgment.

13 12. Throughout Plaintiff's and the class members' employment, they did not receive compliant
14 meal and rest periods, did not receive payment for all hours worked.

15 13. On July 28, 2023 Plaintiff sent Defendants a PAGA letter and uploaded the letter to the
16 LWDA website; since it has been more than 65 days Plaintiff may now request PAGA penalties.

17
18 CLASS ACTION ALLEGATIONS

19 14. The class is defined as the following: "All non-exempt employees who worked for
20 Defendants in California as from four years prior to filing the case to the date of certification or
21 judgment, whichever is earlier."

22 15. There is a well-defined community of interest, and the proposed class is ascertainable from
23 Defendants' employment records. Further, the following apply to show the viability of a class
24 action pursuant to Code of Civil Procedure section 382:

25 a. Numerosity: The members of the class as defined are so numerous that joinder
26 of all class members is impracticable.

27 b. Commonality: This action involves common questions of law and fact to the
28 class because the action focuses on Defendants' systematic course of conduct

- 1 with respect to violating the Labor Code and IWC Wage Order.
- 2 c. Typicality: The claims are typical of the claims of the class. Plaintiff was
- 3 subjected to the same violations and seeks the same types of damages,
- 4 restitution, and other relief on the same as those of the members of the class.
- 5 d. Adequacy of Representation: Plaintiff will fairly and adequately represent and
- 6 protect the interests of the class. Plaintiff understands the obligations as a class
- 7 representative and is willing and able to fulfill them. Plaintiff's counsel is
- 8 competent and experienced in litigating large employment class actions and
- 9 complex litigation matters, including wage and hour cases like this.
- 10 e. Superiority of Class Action: A class action is superior to other available means
- 11 for efficient adjudication. Class action treatment will allow similarly situated
- 12 persons to pursue the claims in a manner that is most efficient and economical.
- 13 16. There are common questions of law and fact including but not limited to:
- 14 f. Whether Defendants did not pay for all hours worked in violation of Labor code
- 15 sections 510 and 1194;
- 16 g. Whether Defendants violated Labor Code section 512 and Wage Order 5 by not
- 17 providing meal breaks;
- 18 h. Whether Defendants violated Wage Order 5 for not providing rest breaks;
- 19 i. Whether Defendants violated Labor Code section 226 by providing inaccurate
- 20 wage statements;
- 21 j. Whether Defendants violated Labor Code section 226.7 by not paying premium
- 22 pay for missed meal and rest breaks at the correct regular rate of pay;
- 23 k. Whether Defendants are liable for waiting time penalties;
- 24 l. Whether Defendants engaged in unfair competition; and
- 25 m. The amount of damages, wages, and penalties owed.

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1 FIRST CAUSE OF ACTION

2 Minimum Wage Violations

3 Against All Defendants

4 17. Plaintiff incorporates by reference paragraphs 1 to 16 of the complaint.

5 18. Plaintiff and the class members were required to work off the clock, and this time should
6 have been paid at least the minimum wage.

7 19. Plaintiffs and the class members are owed reimbursement for unpaid wages, interest, and
8 statutory attorney fees apply.

9
10 SECOND CAUSE OF ACTION

11 Overtime Violations

12 Against All Defendants

13 20. Plaintiff incorporates by reference paragraphs 1 to 16 of the complaint.

14 21. Plaintiffs and the class members were required to work over eight hours in a day and/or 40
15 hours in a week without being compensated for all overtime in violation of Labor Code 510.

16 22. Plaintiffs and the class members should have received overtime at the correct regular rate of
17 pay for the overtime work; the reason for the violations is that Plaintiffs and the class members
18 received fringe benefits that should have been incorporated into the regular rate pay but were not.

19 23. The remedy for the overtime violations is payment of the unpaid overtime at the correct
20 regular rate of pay, plus interest and attorney fees.

21
22 THIRD CAUSE OF ACTION

23 Meal Period Violations

24 Against All Defendants

25 24. Plaintiff incorporates by reference paragraphs 1 to 16 of the complaint.

26 25. Pursuant to Wage Order 5 every employer shall authorize and permit employees to take
27 meal periods of thirty minutes for every five hours worked.

28 26. Pursuant to Labor Code section 226.7(c) and IWC Wage Order 5, when the employer does

1 not provide an employee with the required meal period, the employer shall pay the employee one
2 hour of pay at the employee's regular rate for each workday that a rest period is not provided.

3 27. Plaintiff and the class members were denied meal periods as meal periods were not
4 provided or were on-duty.

5 28. As a result of Defendants' meal period violations, Plaintiff and the class members are
6 entitled to premium pay which is one additional hour of compensation for each missed break at the
7 correct regular rate of pay.

8
9 FOURTH CAUSE OF ACTION

10 Rest Period Violations

11 Against All Defendants

12 29. Plaintiff incorporates by reference paragraphs 1 to 16 of the complaint.

13 30. Pursuant to Wage Order 5 every employer shall authorize and permit employees to take rest
14 periods of ten minutes for every four hours worked.

15 31. Pursuant to Labor Code section 226.7(c) and IWC Wage Order 5, when the employer does
16 not provide an employee with the required rest period, the employer shall pay the employee one
17 hour of pay at the employee's regular rate of compensation for each workday that a rest period is
18 not provided.

19 32. Plaintiffs and the class members were denied rest periods as rest periods were not provided
20 or were on-duty.

21 33. As a result of Defendants' rest period violations, Plaintiff and the class members are
22 entitled to premium pay which is one additional hour of compensation for each missed break.

23
24 FIFTH CAUSE OF ACTION

25 Wage Statement Penalties

26 Against All Defendants

27 34. Plaintiffs incorporate by reference paragraphs 1 to 16 of the complaint.

28 35. Defendants' wage statements issued to Plaintiffs and the class members violated Labor

Code section 226 since they intentionally did not list the work performed off the clock, did not list the correct regular rates of pay for overtime, and did not list premium pay and sick pay at the regular rates of pay.

36. As a result, Plaintiff and the class members are entitled to wage statement penalties up to \$4,000 each and attorney fees.

SIXTH CAUSE OF ACTION

Waiting Time Penalties

Against All Defendants

37. Plaintiffs incorporate by reference paragraphs 1 to 16 of the complaint.

38. Plaintiffs and the class members who no longer work for Defendants were still owed wages when they stopped working for Defendants, and were willfully not paid these wages.

39. Therefore, pursuant to Labor Code section 203, Plaintiff and the class members who no longer work for Defendants are owed waiting time penalties, which are 30 days of wages each.

SEVENTH CAUSE OF ACTION

Violation of Unfair Competition Law

Against All Defendants

40. Plaintiff incorporates by reference paragraphs 1 to 16 of the complaint.

41. The Unfair Competition Law prohibits unfair, unlawful, and fraudulent business practices.

42. This claim is being brought under the unlawful prong of the UCL.

43. Defendants violated the Labor Code and IWC Wage Order by not paying all wages due, and overtime and premium pay at the correct regular rate.

44. Plaintiffs and the class members are entitled to restitution for the above.

45. Under Code of Civil Procedure section 1021.5, Plaintiff is entitled to attorney fees.

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1 EIGHTH CAUSE OF ACTION

2 PAGA Penalties

3 Against All Defendants

4 46. Plaintiff incorporates by reference paragraphs 1 to 16 of the complaint.

5 47. The PAGA penalties relate to the Labor Code violations above.

6 48. The PAGA penalties for the minimum wage violations are in Labor Code 1197.1 and 2699.

7 49. The PAGA penalties for the overtime violations are in Labor Code 558, 1197.1, and 2699.

8 50. The PAGA penalties for the meal break violations are in Labor Code 558 and 2699.

9 51. The PAGA penalties for the rest break violations are in Labor Code section 2699.

10 52. The PAGA penalties for the wage statement violations are in Labor Code 2699.

11 53. The PAGA penalties for the waiting time penalties are in Labor Code section 2699.

12 54. The PAGA period is from July 28, 2022 through disposition of this action.

13 55. Plaintiff is also entitled to attorney fees and costs under Labor Code section 2699.

14
15 PRAYER

16 For All Causes of Action

17 1. That the court determine that this action may be maintained as a class action

18 2. That Plaintiff is appointed representative of the class

19 3. That Counsel for Plaintiff are appointed as class counsel.

20
21 First Cause of Action

22 1. Payment of all unpaid wages

23 2. Interest

24 3. Attorney fees

25 4. Other relief the court deems proper

26
27 Second Cause of Action

28 1. Payment of overtime

- 1 2. Interest
- 2 3. Attorney fees
- 3 4. Other relief the court deems proper

4

5 Third Cause of Action

- 6 1. Premium pay at the correct regular rate of pay
- 7 2. Interest
- 8 3. Other relief the court deems proper

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10 Fourth Cause of Action

- 11 1. Premium pay at the correct regular rate of pay
- 12 2. Interest
- 13 3. Other relief the court deems proper

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15 Fifth Cause of Action

- 16 1. Wage statement penalties
- 17 2. Attorney fees and costs
- 18 3. Other relief the court deems proper

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20 Sixth Cause of Action

- 21 1. Waiting time penalties

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23 Seventh Cause of Action

- 24 1. Restitution of unpaid wages and premium pay
- 25 2. Attorney fees
- 26 3. Other relief the court deems proper

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- 1 Eighth Cause of Action
2 1. All applicable PAGA penalties
3 2. Attorney fees and costs
4 3. Other relief the court deems proper
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6 Date: October 11, 2023

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Attorney for Plaintiff
Dawn Langley

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