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Attorney for Plaintiff
Jason Johnson

FILED
Superior Court of California
County of Los Angeles

09/12/2023

David W. Slayton, Executive Officer / Clerk of Court

By: M. Arellanes Deputy

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

JASON JOHNSON, on his own behalf and all
similarly situated individuals and aggrieved
employees,

Plaintiffs,

v.

COMMAND INTERNATIONAL SECURITY,
NAFEES MEMON, and DOES 1 to 100,

Defendants.

) NO. 23STCV15872
) CLASS ACTION
)
) FIRST AMENDED COMPLAINT
) 1. Minimum Wage Violations
) 2. Overtime Violations
) 3. Meal Period Violations
) 4. Rest Period Violations
) 5. Wage Statement Penalties
) 6. Waiting Time Penalties
) 7. Work Expenditure Reimbursements
) 8. Violation of Unfair Competition Law
) 9. PAGA Penalties

PRELIMINARY ALLEGATIONS

1. Plaintiff Jason Johnson is a resident of Los Angeles County.
2. Defendant Command International Security is a corporation based in Los Angeles County.
3. Command International Security provides security services; thus Wage Order 4 applies.
4. Plaintiffs do not know the true names and capacities of Does 1 to 100 and therefore use 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."
6. Plaintiffs are informed and believe that each of the Defendants was the agent or employee of the other defendants and acted in the scope of agency or employment.

7. Defendants employed Plaintiff and the class members as security personnel.

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

9. Throughout Plaintiff's and the class members' employment, they did not receive compliant meal and rest periods, did not receive overtime at the correct regular rate, did not receive at least the minimum wage for work off the clock including going through security checkpoints, and did not receive accurate wage statements and waiting time penalties.

CLASS ACTION ALLEGATIONS

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

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

- a. Numerosity: The members of the class as defined are so numerous that joinder of all class members is impracticable.
- b. Commonality: This action involves common questions of law and fact to the class because the action focuses on Defendants' systematic course of conduct with respect to violating the Labor Code and IWC Wage Order.
- c. Typicality: The claims are typical of the claims of the class. Plaintiff was subjected to the same violations and seeks the same types of damages, restitution, and other relief on the same as those of the members of the class.
- d. Adequacy of Representation: Plaintiff will fairly and adequately represent and protect the interests of the class. Plaintiff understands the obligations as a class representative and is willing and able to fulfill them. Plaintiff's counsel is competent and experienced in litigating large employment class actions and complex litigation matters, including wage and hour cases like this.

- 1 e. Superiority of Class Action: A class action is superior to other available means
2 for efficient adjudication. Class action treatment will allow similarly situated
3 persons to pursue the claims in a manner that is most efficient and economical.
- 4 12. There are common questions of law and fact including but not limited to:
- 5 a. Whether Defendants did not pay overtime at the correct regular rate of pay in
6 violation of Labor code sections 510 and 1194;
- 7 b. Whether Defendants violated Labor Code sections 510 and 1194 for not paying
8 at least the minimum wage for work off the clock;
- 9 c. Whether Defendants violated Labor Code section 512 and the applicable Wage
10 Order by not providing meal breaks;
- 11 d. Whether Defendants violated the applicable Wage Order for not providing rest
12 breaks;
- 13 e. Whether Defendants violated Labor Code section 226 by providing inaccurate
14 wage statements;
- 15 f. Whether Defendants violated Labor Code section 226.7 by not paying premium
16 pay for missed meal and rest breaks;
- 17 g. Whether Defendants violated Labor Code section 2802 for not reimbursing for
18 work-related expenses;
- 19 h. Whether Defendants engaged in unfair competition; and
- 20 i. The amount of damages, wages, and penalties owed.
- 21

22 FIRST CAUSE OF ACTION

23 Minimum Wage Violations

24 Against All Defendants

- 25 13. Plaintiff incorporates by reference paragraphs 1 to 12 of the complaint.
- 26 14. Plaintiff and the class members were required to work off the clock, and this time should
27 have been paid at least the minimum wage.
- 28 15. Plaintiff and the class members are owed reimbursement for unpaid wages and interest.

1 16. Also, statutory attorney fees apply.

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SECOND CAUSE OF ACTION

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Overtime Violations

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Against All Defendants

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

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

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19. Plaintiff and the class members should have received overtime at the correct regular rate of pay for the overtime work off the clock as explained above.

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20. The remedy for the overtime violations is payment of the unpaid overtime at the correct regular rate of pay, plus interest and attorney fees, pursuant to Labor Code section 1194.

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THIRD CAUSE OF ACTION

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Meal Period Violations

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Against All Defendants

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

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23. Pursuant to the applicable Wage Order, every employer shall authorize and permit employees to take meal periods of thirty minutes for every five hours worked.

19

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24. Pursuant to Labor Code section 226.7(c) and IWC Wage Order 4, when the employer does not provide an employee with the required meal period, the employer shall pay the employee one hour of pay at the employee's regular rate of compensation for each workday that a rest period is not provided.

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

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

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1 FOURTH CAUSE OF ACTION

2 Rest Period Violations

3 Against All Defendants

4 27. Plaintiff incorporates by reference paragraphs 1 to 12 of the complaint.

5 28. Pursuant to the applicable Wage Order every employer shall authorize and permit
6 employees to take rest periods of ten minutes for every four hours worked.

7 29. Pursuant to Labor Code section 226.7(c) and the applicable Wage Order, when the
8 employer does not provide an employee with the required rest period, the employer shall pay the
9 employee one hour of pay at the employee's regular rate of compensation.

10 30. Plaintiff and the class members were denied rest periods as rest periods were not provided
11 or were on-duty.

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

14
15 FIFTH CAUSE OF ACTION

16 Wage Statement Penalties

17 Against All Defendants

18 32. Plaintiff incorporates by reference paragraphs 1 to 12 of the complaint.

19 33. Defendants' wage statements issued to Plaintiff and the class members violated Labor Code
20 section 226 since they intentionally did not list the work off the clock including going through
21 security checkpoints, did not list the correct regular rates of pay for overtime, and did not list the
22 correct rates for premium pay for missed breaks at the regular rates of pay.

23 34. As a result, Plaintiff and the class members are entitled to wage statement penalties up to
24 \$4,000 each and attorney fees.

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1 SIXTH CAUSE OF ACTION

2 Waiting Time Penalties

3 Against All Defendants

4 35. Plaintiff incorporates by reference paragraphs 1 to 12 of the complaint.

5 36. Plaintiff and the class members who no longer work for Defendants were willfully not paid
6 wages that were still owed after they stopped working for Defendants.

7 37. Therefore Plaintiff and the class members who no longer work for Defendants are owed
8 waiting time penalties under Labor Code section 203, which are 30 days of wages.

9
10 SEVENTH CAUSE OF ACTION

11 Work Expenditure Reimbursements

12 Against All Defendants

13 38. Plaintiff incorporates by reference paragraphs 1 to 12 of the complaint.

14 39. Labor Code section 2802 provides that employers must reimburse employees for work-
15 related expenditures.

16 40. Plaintiff and the class members had to use their cell phones for work-related reasons but
17 were not reimbursed.

18 41. As a result, Plaintiff and the class members are entitled to reimbursement of expenses, as
19 well as attorney fees.

20
21 EIGHTH CAUSE OF ACTION

22 Violation of Unfair Competition Law

23 Against All Defendants

24 42. Plaintiff incorporates by reference paragraphs 1 to 12 of the complaint.

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

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

27 45. Defendants violated the Labor Code and IWC Wage Order by not paying all wages due,
28 including minimum wage, and overtime and premium pay at the correct regular rate.

1 46. Plaintiff and the class members are entitled to restitution for the above.

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

3
4 NINTH CAUSE OF ACTION

5 PAGA Penalties

6 Against All Defendants

7 48. Plaintiff incorporates by reference paragraphs 1 to 12 of the complaint.

8 49. On July 6, 2023 Plaintiff sent a PAGA letter to Defendants and uploaded the letter to the
9 LWDA website. Since it has been more than 65 days, Plaintiff may now request PAGA penalties.

10 50. The PAGA penalties for the minimum wage violations are contained in Labor Code
11 sections 1197.1 and 2699.

12 51. The PAGA penalties for the overtime violations are contained in Labor Code sections 558,
13 1197.1, and 2699.

14 52. The PAGA penalties for meal break violations are contained in Labor Code 558 and 2699.

15 53. The PAGA penalties for rest break violations are contained in Labor Code section 2699.

16 54. The PAGA penalties for the wage statement violations are in Labor Code section 2699.

17 55. The PAGA penalties for the piece rate violations are in Labor Code section 2699.

18 56. The PAGA penalties for⁴ the work expense reimbursement violations are contained in
19 Labor Code section 2699.

20 57. The PAGA penalties for the waiting time penalty violations are contained in Labor Code
21 section 2699.

22 58. Plaintiff is also entitled to attorney fees and costs under Labor Code section 2699.

23
24 PRAYER

25 For All Causes of Action

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

27 2. That Plaintiff serves as representative of the class

28 3 That Counsel for Plaintiff is appointed as class counsel

- 1 First Cause of Action
2 1. Payment of all unpaid wages
3 2. Interest
4 3. Attorney fees
5 4. Other relief the court deems proper
6

- 7 Second Cause of Action
8 1. Payment of overtime
9 2. Interest
10 3. Attorney fees
11 4. Other relief the court deems proper
12

- 13 Third Cause of Action
14 1. Premium pay at the correct regular rate of pay
15 2. Other relief the court deems proper
16

- 17 Fourth Cause of Action
18 1. Premium pay at the correct regular rate of pay
19 2. Other relief the court deems proper
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- 21 Fifth Cause of Action
22 1. Wage statement penalties
23 2. Attorney fees and costs
24 3. Other relief the court deems proper
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- 26 Sixth Cause of Action
27 1. Waiting time penalties
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1 Seventh Cause of Action

- 2 1. Reimbursement of expenses
3 2. Attorney fees and costs
4 3. Other relief the court deems proper

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6 Eighth Cause of Action

- 7 1. Restitution of unpaid wages and premium pay
8 2. Attorney fees
9 3. Other relief the court deems proper

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11 Ninth Cause of Action

- 12 1. All applicable PAGA penalties
13 2. Attorney fees and costs
14 3. Other relief the court deems proper

15
16 Date: September 12, 2023

FRONTIER LAW CENTER

17 *Adam Rose*

18 _____
19 Adam Rose
20 Attorney for Plaintiff
21 Jason Johnson
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