

Adam Rose (210880)
adam@frontierlawcenter.com
Manny Starr (319778)
manny@frontierlawcenter.com
Frontier Law Center
23901 Calabasas Road, #2074
Calabasas, CA 91302
Telephone: (818) 914-3433
Facsimile: (818) 914-3433

Attorney for Plaintiff
Josefina Zavala

FILED
Superior Court of California
County of Los Angeles
11/06/2023
David W. Slayton, Executive Officer / Clerk of Court
By: M. Arellanes Deputy

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

JOSEFINA ZAVALA, individually and on behalf of	) NO. 23STCV19561
all similarly situated individuals,	) CLASS ACTION
	)
Plaintiff,	) FIRST AMENDED COMPLAINT
v.	) 1. Minimum Wage Violations
	) 2. Overtime Violations
CPH HOSPITAL MANAGEMENT, LLC,	) 3. Meal Period Violations
PIPELINE HEALTH, LLC,	) 4. Rest Period Violations
PIPELINE HEALTH SYSTEM HOLDINGS, LLC,	) 5. Wage Statement Penalties
and DOES 1 to 100,	) 6. Waiting Time Penalties
	) 7. Violation of Unfair Competition Law
Defendants.	) 8. PAGA Penalties
	)

PRELIMINARY ALLEGATIONS

1. Plaintiff Josefina Zavala is a resident of Los Angeles County.
2. Defendant CPH Hospitality, LLC is a Nevada limited liability company with its principal place of business in California.
3. Defendant Pipeline Health, LLC is a Nevada limited liability company with its principal place of business 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.”

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

7. Venue is proper in Los Angeles County since Plaintiff worked at Coast Plaza Hospital in Norwalk from October 2022 to June 2023.

8. Defendants operate the following California facilities: Coast Plaza Hospital, Memorial Hospital of Gardena, Community Hospital of Huntington Beach, and East Los Angeles Doctors Hospital. The class members described below worked at these four places.

9. Defendants employed Plaintiffs and the class members as healthcare workers. Therefore, Wage Order 5 applies.

10. The class members include all persons who worked in nonexempt capacities at any of the four California facilities within the class period.

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

12. Throughout Plaintiff’s and the class members’ employment, they did not receive compliant meal and rest periods, were not paid overtime and premium pay at the correct overtime rates, and did not receive payment for all hours worked.

13. On August 15, 2023 Plaintiff sent Defendants a PAGA notice and uploaded the letter to the LWDA website; since it has been more than 65 days Plaintiff may now include PAGA allegations.

CLASS ACTION ALLEGATIONS

14. 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.”

15. There is a well-defined community of interest, and the proposed class is ascertainable from employment records. Also, the following apply 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.

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

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. Plaintiff 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. Plaintiff 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 shift differentials that should have been incorporated into the regular rate pay.

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

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

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

4 36. As a result, Plaintiff and the class members are entitled to wage statement penalties up to
5 \$4,000 each and attorney fees.

6
7 SIXTH CAUSE OF ACTION

8 Waiting Time Penalties

9 Against All Defendants

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

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

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

15
16 SEVENTH CAUSE OF ACTION

17 Violation of Unfair Competition Law

18 Against All Defendants

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

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

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

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

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

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

26 ///

27 ///

28 ///

1 EIGHTH CAUSE OF ACTION

2 PAGA Penalties

3 Against CPH, Pipeline Health, and Does 1 to 100

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

5 47. Pursuant to Labor Code section 2699, Plaintiff may seek PAGA penalties on behalf of
6 herself and all aggrieved employees for the Labor Code violations.

7 48. The PAGA penalties for the minimum wage violations are contained in Labor Code 1197.1.

8 49. The PAGA penalties for the overtime violations are contained in Labor Code 558 & 2699.

9 50. The PAGA penalties for the meal break violations are contained in Labor Code 558.

10 51. The PAGA penalties for the rest break violations are contained in Labor Code 2699.

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

12 53. The PAGA penalties for the waiting time violations are contained in Labor Code 2699.

13 54. Plaintiff is entitled to attorney fees and costs under Labor Code section 2699. PRAYER
14

15 For All Causes of Action

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

17 2. That Plaintiff is appointed representative of the class

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

20 First Cause of Action

21 1. Payment of all unpaid wages

22 2. Interest

23 3. Attorney fees

24 4. Other relief the court deems proper
25

26 Second Cause of Action

27 1. Payment of overtime

28 2. Interest

1 3. Attorney fees

2 4. Other relief the court deems proper

3

4 Third Cause of Action

5 1. Premium pay at the correct regular rate of pay

6 2. Interest

7 3. Other relief the court deems proper

8

9 Fourth Cause of Action

10 1. Premium pay at the correct regular rate of pay

11 2. Interest

12 3. Other relief the court deems proper

13 ///

14 Fifth Cause of Action

15 1. Wage statement penalties

16 2. Attorney fees and costs

17 3. Other relief the court deems proper

18

19 Sixth Cause of Action

20 1. Waiting time penalties

21

22 Seventh Cause of Action

23 1. Restitution of unpaid wages and premium pay

24 2. Attorney fees

25 3. Other relief the court deems proper

26 ///

27 ///

28 ///

- 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
5

6 Date: November 5, 2023

FRONTIER LAW CENTER

Adam Rose

Adam Rose
Attorney for Plaintiff
Josefina Zavala

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28