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Attorneys for Plaintiff and the Aggrieved Employees

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

MARK HARDIMAN, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

JOY SIGNAL TECHNOLOGY, LLC, an
Ohio limited liability company; and DOES
1 through 50, inclusive,

Defendants.

Case No.: 23CV03426

**FIRST AMENDED REPRESENTATIVE
ACTION COMPLAINT FOR:**

**(1) VIOLATION OF LABOR CODE § 2698, ET
SEQ.**

DEMAND OVER \$25,000.00

F I L E D
Superior Court of California
County of Butte
6/3/2024
Sharif Elmallah, Clerk
By K. Doane Deputy
Electronically FILED

Plaintiff Mark Hardiman ("Plaintiff") hereby submits this complaint ("Complaint")
against Defendant Joy Signal Technology, LLC ("Defendant") and Does 1 through 50
(collectively, "Defendants"), on behalf of himself and all other similarly aggrieved employees of
Defendants for penalties for violation of the California Labor Code as follows:

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

6. Venue is proper in Butte County, because Defendants are located in Butte County and Plaintiff worked for Defendants in Butte County.

7. Plaintiff worked for Defendants as an Operator 1, assembling computer harnesses and devices used for computer systems diagnostics testing. Plaintiff was employed from about April 19, 2022, to about March 30, 2023. During his employment with Defendants, Plaintiff worked as a non-exempt, hourly employee.

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1 Defendants complained of in this action in ways that have deprived him of the rights guaranteed
2 by California Labor Code §§ 201-204, 226(a), 510, 558, 1194, 1197, 1197.1, , and 2698, *et seq.*,
3 and the applicable IWC Wage Orders.

4 9. Plaintiff is informed and believes, and based thereon alleges, that Defendant Joy
5 Signal Technology, LLC was and is an Ohio limited liability company that maintains operations
6 and does business in the State of California, including in Butte County, California. Plaintiff is
7 informed and believes, and based thereon alleges, that Defendant manufactures and sells custom
8 cables and connectors to original equipment manufacturers.

9 10. Plaintiff is informed and believes, and based thereon alleges, that at all times
10 herein mentioned Does 1 through 50, are and were corporations, business entities, individuals,
11 and partnerships, licensed to do business and actually doing business in the State of California.
12 As such and based upon all the facts and circumstances incident to Defendants' business,
13 Defendants are subject to the California Labor Code, and the IWC Wage Orders.

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

21 12. At all times herein mentioned, each of said Defendants participated in the doing
22 of the acts hereinafter alleged to have been done by the named Defendant; and furthermore,
23 Defendants, and each of them, were the agents, servants, and employees of each of the other
24 defendants, as well as the agents of all Defendants, and at all times herein mentioned, were
25 acting within the course and scope of said agency and employment.

26 13. Plaintiff is informed and believes, and based thereon alleges, that at all times
27 material hereto, each of the Defendants named herein was the agent, employee, alter ego and/or
28 joint venturer of, or working in concert with each of the other co-Defendants and was acting

1 within the course and scope of such agency, employment, joint venture, or concerted activity. To
2 the extent said acts, conduct, and omissions were perpetrated by certain Defendants, each of the
3 remaining Defendants confirmed and ratified said acts, conduct, and omissions of the acting
4 Defendants.

5 14. At all times herein mentioned, Defendants, and each of them, were members of,
6 and engaged in, a joint venture, partnership, and common enterprise, and acting within the course
7 and scope of, and in pursuance of, said joint venture, partnership, and common enterprise.

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

15 **FIRST CAUSE OF ACTION**

16 **VIOLATION OF LABOR CODE § 2698, *ET SEQ.***

17 **(BY PLAINTIFF, ON BEHALF OF THE STATE AND AGGRIEVED EMPLOYEES,**
18 **AGAINST ALL DEFENDANTS)**

19 16. Plaintiff re-alleges and incorporates by reference the preceding paragraphs as
20 though fully set forth herein.

21 17. Plaintiff brings this cause of action as a proxy for the State of California and in
22 this capacity, seeks penalties on behalf of all aggrieved employees from September 20, 2022,
23 through the present, for Defendants' violations of Labor Code §§ 201-204, 226(a), 510, 558,
24 1194, 1197, 1197.1, arising from Defendants' practice and policy of: (a) failing to pay minimum,
25 regular, and overtime wages for all hours worked, in violation of Labor Code §§ 201-204, 510,
26 558, 1182.12, 1194, 1197, and 1197.1; (b) failing to provide accurate itemized wage statements,
27 in violation of Labor Code § 226(a); and (c) failing to pay all wages due and owing upon
28 separation of employment in violation of Labor Code §§ 201, 202, 203.

1 18. The California Labor Code requires an employer to pay employees minimum and
2 regular wages for all hours worked fewer than eight hours in a day and/or fewer than 40 hours in
3 a workweek. California Labor Code §§ 201-204, 510, 558, 1182.12, 1194, 1194.2, 1197, 1197.1,
4 and 1198. The California Labor Code also requires an employer to pay employees overtime
5 wages for all hours worked greater than eight hours in a day and/or greater than 40 hours in a
6 workweek. *Id.* The applicable IWC Wage Order defines compensable time as “the time during
7 which an employee is subject to the control of an employer, and includes all the time the
8 employee is suffered or permitted to work, whether or not required to do so.” Cal. Code. Regs.
9 tit. 8, § 11040(2)(K) (defining “Hours Worked”). Thus, California law generally requires that
10 employers pay employees for all hours worked and pay at least the minimum wage for all hours
11 worked.

12 19. As a pattern and practice, Defendants suffered and permitted Plaintiff and other
13 employees to work without payment of minimum and regular wages for all hours worked in a
14 workday and workweek, and without payment of overtime wages for all hours worked greater
15 than eight hours in a day and/or greater than 40 hours in a workweek.

16 20. Specifically, Defendants round Plaintiff and other non-exempt employees’ work
17 hours and do not pay for every minute that Plaintiff and other non-exempt employees work. As a
18 matter of policy and practice, Plaintiff and the aggrieved employees are not paid wages for all
19 hours worked. As such, Plaintiff and the aggrieved employees are owed unpaid regular,
20 minimum, and overtime wages.

21 21. As a result of Defendants’ failure to pay wages in violation as identified above,
22 the wage statements issued to Plaintiff and aggrieved employees failed to identify the correct
23 gross wages earned, net wages earned, hours worked at each hourly rate, and total hours worked
24 in the pay period, in violation of Labor Code §§ 226(a)(1), (2), (5), and (9).

25 22. On or about September 20, 2023, Plaintiff sent written notice to the California
26 Labor & Workforce Development Agency (“LWDA”) of Defendants’ violations of Labor Code
27 §§ 201-204, 226(a), 510, 558, 1194, 1197, 1197.1, and 1400-1403, pursuant to Labor Code §
28 2698, *et seq.* In addition to the LWDA, Plaintiff also sent his written notice to Defendants via

certified mail according to Labor Code § 2699.3.

23. As of the date of the filing of this Complaint, the LWDA has not responded to Plaintiff's written notice nor indicated that it intends to investigate the Labor Code violations provided for in the written notice.

24. As such, pursuant to Labor Code § 2699(a), Plaintiff seeks recovery of any and all applicable civil penalties for Defendants' violations of Labor Code §§ 201-204, 226(a), 510, 558, 1194, 1197, and 1197.1, , for the time period described above, on behalf of himself and other aggrieved employees.

PRAYER FOR RELIEF

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

2. Upon the First Cause of Action, for penalties pursuant to California Labor Code §§ 201-203, 558, 1197.1, and 2698, *et seq.*, and for costs and attorneys' fees;

3. On all causes of action for attorneys' fees and costs as provided by California Labor Code §§ 218.5, 226, 1194, 1404, 1194, and 2699, and Code of Civil Procedure § 1021.5, and

4. For such other and further relief the Court may deem just and proper.

DATED: June 6, 2024

DIVERSITY LAW GROUP, P.C.
FRONTIER LAW CENTER

By: _____

Larry W. Lee
Max W. Gavron
Mai Tulyathan
Manny Starr

Attorneys for Plaintiff and the Aggrieved
Employees

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PROOF OF SERVICE

(Code of Civil Procedure Sections 1013a, 2015.5)

STATE OF CALIFORNIA]
]ss.
COUNTY OF LOS ANGELES]

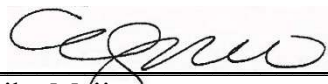
I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 515 S. Figueroa Street, Suite 1250, Los Angeles, California 90071.

On June 3, 2024, I served the following document(s) described as: **FIRST AMENDED REPRESENTATIVE ACTION COMPLAINT** on the interested parties in this action as follows:

Brian D. Martin
Brian.Martin@aalrr.com
April L. Szabo
April.Szabo@aalrr.com
ATKINSON, ANDELSON, LOYA, RUUD & ROMO
4225 Executive Square, 7th Floor
La Jolla, California 92037-1477
Attorneys for Defendant
Joy Signal Technology, LLC

 X BY ELECTRONIC SERVICE: Based on a court order I caused the above-entitled document(s) to be served through the Odyssey eFileCA E-Filing System at the website www.california.tylerhost.net, addressed to all parties appearing on the electronic service list for the above-entitled case. The service transmission was reported as complete and a copy of the filing receipt/confirmation will be filed, deposited, or maintained with the original document(s) in this office.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on June 3, 2024, at Los Angeles, California.



Erika Mejia