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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SACRAMENTO**

10 LATONYA HAYNIE, as an individual and
11 on behalf of all others similarly situated,

12 Plaintiff,

13 v.

14 STRATEGIES TO EMPOWER PEOPLE,
15 INC., a corporation; and DOES 1 through
16 50, inclusive,

17 Defendants.

Case No. 23CV008388

**FIRST AMENDED REPRESENTATIVE
ACTION COMPLAINT UNDER THE
PRIVATE ATTORNEYS GENERAL ACT OF
2004**

DEMAND EXCEEDS \$25,000.00

FILED/ENDORSED

NOV 13 2023

By: T. Crowther
Deputy Clerk

BY FAX

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1 Plaintiff Latonya Haynie ("Plaintiff") hereby submits this First Amended Representative
2 Action Complaint against Defendants Strategies to Empower People, Inc., a corporation
3 (collectively, "Defendant") and Does 1-50 (hereinafter collectively referred to as "Defendants"),
4 individually and on behalf of the State of California and all aggrieved employees of Defendant for
5 penalties under the Private Attorneys General Act ("PAGA") for failure to provide accurate and
6 complete wage statements as follows:

7 **INTRODUCTION**

8 1. This representative PAGA action is within the Court's jurisdiction under
9 California Labor Code sections 226 and 2698, *et seq.* and the applicable Wage Orders of the
10 Industrial and Welfare Commission (the "IWC").

11 2. This Complaint challenges systemic illegal employment practices resulting in
12 violations of the California Labor Code against Defendant's employees.

13 **JURISDICTION AND VENUE**

14 3. The Court has jurisdiction over the violation of California Labor Code sections
15 226 and 2698, *et seq.*

16 4. Venue is proper in Sacramento County because Plaintiff is employed by Defendant
17 in Sacramento, California.

18 **PARTIES**

19 5. On or about May 18, 2021, Plaintiff was hired by Defendant as a Direct Support
20 Person. Plaintiff continues to work for Defendant. Throughout Plaintiff's employment, she has
21 been an hourly, non-exempt employee.

22 6. Plaintiff is informed and believes and based thereon alleges that Defendant was
23 and is a corporation that provides support services for disabled individuals throughout the State of
24 California, including in Sacramento County.

25 7. Plaintiff is informed and believes and based thereon alleges that at all times herein
26 mentioned Defendant and DOES 1 through 50 are and were business entities, individuals, and
27 partnerships, licensed to do business and actually doing business in the State of California.

28 8. As such, and based upon all the facts and circumstances incident to Defendants'

1 business in California, Defendants are subject to Labor Code section 226 and the applicable IWC
2 Wage Orders.

3 9. Plaintiff does not know the true names or capacities, whether individual, partner or
4 corporate, of the Defendants sued herein as DOES 1 through 50, inclusive, and for that reason,
5 said Defendants are sued under such fictitious names, and Plaintiff prays for leave to amend this
6 complaint when the true names and capacities are known. Plaintiff is informed and believes and
7 based thereon alleges that each of said fictitious Defendants was responsible in some way for the
8 matters alleged herein and proximately caused Plaintiff and Aggrieved Employees to be subject to
9 the illegal employment practices, wrongs and injuries complained of herein.

10 10. At all times herein mentioned, each of said Defendants participated in the doing of
11 the acts hereinafter alleged to have been done by the named Defendants; and furthermore, the
12 Defendants, and each of them, were the agents, servants, and employees of each of the other
13 Defendants, as well as the agents of all Defendants, and at all times herein mentioned, were acting
14 within the course and scope of said agency and employment.

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

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

25 13. At all times herein mentioned, the acts and omissions of various Defendants, and
26 each of them, concurred and contributed to the various acts and omissions of each and all of the
27 other Defendants in proximately causing the injuries and damages as herein alleged. At all times
28 herein mentioned, Defendants, and each of them, ratified each and every act or omission

1 complained of herein. At all times herein mentioned, the Defendants, and each of them, aided
2 and abetted the acts and omissions of each and all of the other Defendants in proximately causing
3 the damages as herein alleged.

4 **FIRST CAUSE OF ACTION**

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

6 **(BY PLAINTIFF AND AGGRIEVED EMPLOYEES AGAINST ALL DEFENDANTS)**

7 14. Plaintiff re-alleges and incorporates by reference the preceding paragraphs as
8 though fully set forth herein.

9 15. Plaintiff brings this cause of action as a proxy for the State of California and in this
10 capacity, seeks penalties on behalf of all Aggrieved Employees from September 11, 2022,
11 through the present, for Defendants' violations of Labor Code §§ 226 and 2698, as identified
12 above, for failing to provide accurate itemized wage statements.

13 16. Defendant, as a matter of policy and practice, did not provide accurate wage
14 statements to Aggrieved Employees, in violation of Labor Code section 226(a). As with other
15 non-exempt employees, Plaintiff received itemized wage statements concurrent with the payment
16 of wages. Specifically, Defendant has failed to list the accurate total hours worked and applicable
17 hourly rates of pay on wage statements furnished to Plaintiff and Aggrieved Employees when
18 overtime wages are paid. When overtime wages are paid to Plaintiff and Aggrieved Employees
19 and the applicable hours are added up in each respective wage statement, it does not correlate to
20 the correct number of total hours worked during each pay period.

21 17. On or about September 11, 2023, Plaintiff submitted her written notice to the
22 California Labor & Workforce Development Agency ("LWDA") and to Defendants via certified
23 mail regarding Defendants' violations of Labor Code §226, pursuant to Labor Code § 2698, *et*
24 *seq.*

25 18. As of the date of the filing of this Complaint, the LWDA has not provided written
26 notice as to whether it intends to investigate the Labor Code violations set forth in Plaintiff's
27 written notice and, thus, allowing Plaintiff to proceed under PAGA against Defendants for said
28 violations. Therefore, Plaintiff may seek all applicable penalties under the PAGA.

19. Pursuant to Labor Code § 2699(a), Plaintiff seeks recovery of any and all applicable remedies under the PAGA for Defendants' violation of Labor Code §226, for the time periods described above on behalf of all other Aggrieved Employees, including without limitation, civil penalties under Labor Code § 2699, any remedies under Labor Code § 226.3, and for costs and attorneys' fees.

PRAYER FOR RELIEF

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

1. Upon the First Cause of Action, for civil penalties according to proof pursuant to the PAGA, Labor Code §226.3, and for costs and attorneys' fees;

2. On all causes of action for attorneys' fees and costs as provided by Labor Code §2699 and California Code of Civil Procedure section 1021.5; and

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

DATED: November 13, 2023

DIVERSITY LAW GROUP, P.C.

By:

~~Larry W. Lee~~

Attorneys for Plaintiff and the Aggrieved Employees