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Superior Court of California,
County of Los Angeles
2/13/2024 12:00 AM
David W. Slayton,
Executive Officer/Clerk of Court,
By N. Le, Deputy Clerk

Attorney for Plaintiff
Narbeh Besha

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

NARBEH BESHA,	) NO. 24BECV00354
	)
Plaintiff,	) COMPLAINT
v.	) 1. Minimum Wage Violations
	) 2. Overtime Violations
MESSENGERS DISTRIBUTION, INC., and DOES	) 3. Meal Period Violations
1 to 100,	) 4. Rest Period Violations
	) 5. Wage Statement Penalties
Defendants.	) 6. Waiting Time Penalties
	) 7. Work Expenditure Violations
	) 8. Violation of Unfair Competition Law
	) 9. PAGA Penalties

PRELIMINARY ALLEGATIONS

1. Plaintiff Narbeh Besha is a resident of Los Angeles County.
2. Defendant Messengers Distribution, Inc. is a Los Angeles County corporation.
3. 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.
4. The named and Doe defendants are collectively referred to as "Defendants."
5. 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.
6. Defendants operate a messengering business.

1 7. Plaintiff and the aggrieved employees worked as drivers therefore Wage Order 9 applies.

2 8. Throughout Plaintiff's and the aggrieved employees' employment, they did not receive
3 compliant meal and rest periods, were not paid overtime and premium pay at the correct regular
4 rates, were not reimbursed for work-related purchases, did not receive accurate, itemized wage
5 statements, and did not receive payment for all hours worked.

6 9. On October 24, 2023 Plaintiff sent Messengers Distribution, Inc. a PAGA notice and
7 uploaded the letter to the LWDA website; since it has been more than 65 days Plaintiff may now
8 include PAGA allegations.

9
10 FIRST CAUSE OF ACTION

11 Minimum Wage Violations

12 Against All Defendants

13 10. Plaintiff incorporates by reference paragraphs 1 to 9 of the complaint.

14 11. Plaintiff was required to work off the clock, and this time should have been paid at least the
15 minimum wage.

16 12. Plaintiff is owed reimbursement for unpaid wages, interest, and statutory attorney fees.

17
18 SECOND CAUSE OF ACTION

19 Overtime Violations

20 Against All Defendants

21 13. Plaintiff incorporates by reference paragraphs 1 to 9 of the complaint.

22 14. Plaintiff was required to work over eight hours in a day and/or 40 hours in a week without
23 being compensated for all overtime in violation of Labor Code 510.

24 15. Plaintiff should have received overtime at the correct regular rate of pay for overtime.

25 16. The remedy for the overtime violations is payment of the unpaid overtime at the correct
26 regular rate of pay, plus interest and attorney fees.

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1 THIRD CAUSE OF ACTION

2 Meal Period Violations

3 Against All Defendants

4 17 Plaintiff incorporates by reference paragraphs 1 to 9 of the complaint.

5 18. Pursuant to Wage Order 9 every employer shall authorize and permit employees to take
6 meal periods of thirty minutes for every five hours worked.

7 19. Pursuant to Labor Code section 226.7(c) and IWC Wage Order 9, when the employer does
8 not provide an employee with the required meal period, the employer shall pay the employee one
9 hour of pay at the employee's regular rate for each workday that a rest period is not provided.

10 20. Plaintiff was denied meal periods as meal periods were not provided or were on-duty.

11 21. As a result, Plaintiff is entitled to premium pay which is one additional hour of
12 compensation for each missed break at the correct regular rate of pay.

13
14 FOURTH CAUSE OF ACTION

15 Rest Period Violations

16 Against All Defendants

17 22. Plaintiff incorporates by reference paragraphs 1 to 9 of the complaint.

18 23. Pursuant to Wage Order 9 every employer shall authorize and permit employees to take rest
19 periods of ten minutes for every four hours worked.

20 24. Pursuant to Labor Code section 226.7(c) and IWC Wage Order 9, when the employer does
21 not provide an employee with the required rest period, the employer shall pay the employee one
22 hour of pay at the employee's regular rate of compensation for each workday that a rest period is
23 not provided.

24 25. Plaintiff was denied rest periods as rest periods were not provided or were on duty.

25 26. Plaintiff is therefore entitled to premium pay which is one additional hour of compensation
26 for each missed break.

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1 FIFTH CAUSE OF ACTION

2 Wage Statement Penalties

3 Against All Defendants

4 27. Plaintiff incorporates by reference paragraphs 1 to 9 of the complaint.

5 28. Defendants' wage statements violated Labor Code section 226 since none were provided.

6 29. The remedy is wage statement penalties up to \$4,000 and attorney fees.

7
8 SIXTH CAUSE OF ACTION

9 Waiting Time Penalties

10 Against All Defendants

11 30. Plaintiff incorporates by reference paragraphs 1 to 9 of the complaint.

12 31. Plaintiff was still owed wages when they stopped working for Defendants and was willfully
13 not paid these wages.

14 32. Therefore, pursuant to Labor Code section 203, Plaintiff is owed that waiting time penalty
15 which is 30 days of wages.

16
17 SEVENTH CAUSE OF ACTION

18 Work Expenditure Violations

19 Against All Defendants

20 33. Plaintiff incorporates by reference paragraphs 1 to 9 of the complaint.

21 34. Labor Code 2802 provides employers must reimburse employees for work expenditures.

22 35. Plaintiff had to use a cell phone while working for Defendants but was not reimbursed.

23 36. Plaintiff is entitled to reimbursement of the expenditures and attorney fees.

24
25 EIGHTH CAUSE OF ACTION

26 Violation of Unfair Competition Law

27 Against All Defendants

28 37. Plaintiff incorporates by reference paragraphs 1 to 9 of the complaint.

38. The Unfair Competition Law prohibits unfair, unlawful, and fraudulent business practices.
39. This claim is being brought under the unlawful prong of the UCL.
40. 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, and reimbursement of expenditures.
41. Plaintiff is entitled to restitution for the above.
42. Under Code of Civil Procedure section 1021.5, Plaintiff is entitled to attorney fees.

NINTH CAUSE OF ACTION

PAGA Penalties

Against All Defendants

43. Plaintiff incorporates by reference paragraphs 1 to 9 of the complaint.
44. Pursuant to Labor Code section 2699, Plaintiff may seek PAGA penalties on behalf of herself and all aggrieved employees for the Labor Code violations.
45. The PAGA penalties for the minimum wage violations are contained in Labor Code 1197.1.
46. The PAGA penalties for the overtime violations are contained in Labor Code 558 & 2699.
47. The PAGA penalties for the meal break violations are contained in Labor Code 558.
48. The PAGA penalties for the rest break violations are contained in Labor Code 2699.
49. The PAGA penalties for the wage statement violations are contained in Labor Code 2699.
50. The PAGA penalties for the waiting time violations are contained in Labor Code 2699.
51. The PAGA penalties for the work expenditure violations are contained in Labor Code 2699.
52. Plaintiff is entitled to attorney fees and costs under Labor Code section 2699.

PRAYER

First Cause of Action

1. Payment of all unpaid wages
2. Interest
3. Attorney fees

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1 Second Cause of Action

2 1. Payment of unpaid overtime

3 2. Interest

4 3. Attorney fees

5

6 Third Cause of Action

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

8 2. Interest

9 3. Other relief the court deems proper

10

11 Fourth Cause of Action

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

13 2. Interest

14 3. Other relief the court deems proper

15

16 Fifth Cause of Action

17 1. Wage statement penalties

18 2. Attorney fees and costs

19 3. Other relief the court deems proper

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21 Sixth Cause of Action

22 1. Waiting time penalties

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24 Seventh Cause of Action

25 1. Reimbursement of work-related expenditures

26 2. Attorney fees

27 3. Other relief the court deems proper

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- 1 Eighth Cause of Action
2 1. Restitution of unpaid wages and premium pay
3 2. Attorney fees
4 3. Other relief the court deems proper
5

- 6 Ninth Cause of Action
7 1. All applicable PAGA penalties
8 2. Attorney fees and costs
9 3. Other relief the court deems proper
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11 Date: February 12, 2024

FRONTIER LAW CENTER

Adam Rose

Adam Rose
Attorney for Plaintiff
Narbeh Besha

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