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Attorney for Plaintiff
Mounu Lear

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

MOUNU LEAR, individually and on behalf of all similarly situated individuals,	)	NO. CVRI2304984
	)	
Plaintiff,	)	FIRST AMENDED COMPLAINT FOR
v.	)	PAGA PENALTIES
	)	
DNS2 MANAGEMENT, LLC, SHALHOUB	)	
MANAGEMENT COMPANY, INC., and	)	
DOES 1 to 100,	)	
	)	
Defendants.	)	

PRELIMINARY ALLEGATIONS

1. Plaintiff Mounu Lear is a resident of Riverside County.
2. Defendant DNS2 Management, LLC is a limited liability company based in Riverside County.
3. Defendant Shalhoub Management Company, Inc. is a corporation based in Riverside County.
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."

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

3 7. Defendants employed Plaintiff and the class members as restaurant workers. Therefore,
4 Wage Order 5 applies.

5 8. Plaintiff worked out of Defendants' Indio McDonalds restaurant therefore venue is proper
6 in Riverside County.

7 9. On information and belief Defendants operate over 30 McDonalds locations throughout
8 Riverside County.

9 10. Plaintiff worked for Defendants from February 2023 to June 2023.

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

12 12. Throughout Plaintiff's and the class members' employment, they did not receive compliant
13 meal and rest periods, did not receive overtime at the correct regular rate, did not receive at least
14 the minimum wage for work off the clock, did not receive accurate wage statements, and did not
15 applicable waiting time penalties.

16 13. On December 20, 2023 Plaintiff sent Defendants an amended PAGA letter outlining the
17 Labor Code violations listed below. Since it has been more than 65 days since the amended PAGA
18 letter was sent, Plaintiff may now request PAGA penalties.

19
20 FIRST CAUSE OF ACTION

21 PAGA Penalties

22 Against All Defendants

23 14. Plaintiff incorporates by reference paragraphs 1 to 13 of the complaint.

24 15. The first Labor Code section that Plaintiff alleges was violated was Labor Code sections
25 1194 and 1197 relating to payment of at least the minimum wage.

26 16. The PAGA penalties for violating the minimum wage requirement are in Labor Code
27 sections 1197.1 and 2699.

28 17. The second Labor Code section that Plaintiff alleges was violated was Labor Code sections

1 510 and 1194 relating to payment of overtime.

2 18. The PAGA penalties for violating the overtime requirement are in Labor Code 558.

3 19. The third Labor Code section that was violated was Labor Code section 512 for not
4 providing compliant meal breaks, and Labor Code section 226.7 for not paying premium pay for
5 noncompliant meal periods.

6 20. The PAGA penalties for the Section 512 violations are contained in Labor code section 558,
7 and the PAGA penalties for the Section 226.7 violations are contained in Labor Code section 2699.

8 21. The next Labor Code section that was violated was Labor Code section 1198 for not
9 providing compliant rest breaks.

10 22. The PAGA penalties for violating the rest break requirement are contained in Labor Code
11 section 2699.

12 23. The next Labor Code section that was violated was Labor Code 226 for not providing
13 accurate, itemized wage statements.

14 24. The PAGA penalties for violating Labor Code section 226 are contained in Labor Code
15 sections 226.3 and 2699.

16 25. Finally, Labor Code section 203 was violating for not providing the waiting time penalty to
17 Plaintiff and the aggrieved employees who no longer work for Defendants.

18 26. The PAGA penalties for violating Section 203 are contained in Labor Code sections 210
19 and 2699.

20 27. Further, Plaintiff is entitled to attorney fees and costs for the above pursuant to Labor Code
21 section 2699.

22
23 PRAYER

24 First Cause of Action

25 1. All applicable PAGA penalties

26 2. Attorney fees and costs

27 3. Other relief the court deems proper

28 ///

1 Date: March 28, 2024

FRONTIER LAW CENTER

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/s/ Adam Rose

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Attorney for Plaintiff

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Mounu Lear

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