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SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

DOMINIQUE WHITFIELD, on behalf of the State of California and Aggrieved Employees,

Plaintiff,

vs.

DOLLAR TREE STORES, INC.,

Defendant(s).

Case No. 26CV216440

COMPLAINT FOR:

1. **Penalties Pursuant to Cal. Lab. Code § 2699(f) (Violations of Cal. Lab. Code §§ 204, 1194, 1198);**
2. **Penalties Pursuant to Cal. Lab. Code § 2699(f) (Violations of Cal. Lab. Code §§ 1182.11, 1182.12, 1194, 1197, and 1197.1);**
3. **Penalties Pursuant to Cal. Lab. Code § 2699(f) (Violations of Cal. Lab. Code §§ 510 and 1194);**
4. **Penalties Pursuant to Cal. Lab. Code § 2699(f) (Violations of Cal. Lab. Code §§ 226.7 and 512);**
5. **Penalties Pursuant to Cal. Lab. Code § 2699(f) (Violations of Cal. Lab. Code § 226.7);**
6. **Penalties Pursuant to Cal. Lab. Code § 2699(f) (Violations of Cal. Lab. Code § 2802);**
7. **Penalties Pursuant to Cal. Lab. Code § 2699(a) (Violations of Cal. Lab. Code § 226); and**
8. **Penalties Pursuant to Cal. Lab. Code § 2699(a) (Violations of Cal. Lab. Code §§ 201-203).**

DEMAND FOR JURY TRIAL

Plaintiff Dominique Whitfield ("Plaintiff"), on behalf of the State of California and Aggrieved Employees, brings this action against Defendant Dollar Tree Stores, Inc. ("Dollar Tree" or "Defendant") and alleges as follows:

INTRODUCTION

1. Defendant is a discount store retailer that operates retail locations across the state of California.

2. Defendant willfully misclassified Plaintiff and Aggrieved Employees who work as store managers as exempt employees in violation of California law and IWC Wage Order 4-2001. The misclassification of Plaintiff and Aggrieved Employees gave rise to various violations of the California Labor Code.

3. Indeed, Plaintiff and Aggrieved Employees only possessed limited managerial authority and spent the bulk of their days performing the same tasks that were performed by Defendant's non-exempt, hourly employees. Employees in California are presumed non-exempt, hourly employees. Because Plaintiff and Aggrieved Employees spent the majority of their time performing hourly non-exempt employees' tasks and, to the extent that they made managerial decisions, their discretion and independent judgment were limited at every turn, Plaintiff and Aggrieved Employees did not meet the requirements to be classified as exempt under California law and were therefore misclassified.

4. As a result, Plaintiff and Aggrieved Employees are entitled to be paid for all hours worked, including overtime pay for hours worked above eight per day and/or 40 per week, as well as meal and rest periods in compliance with the California Labor Code and IWC Wage Order 4-2001.

5. Plaintiff and Aggrieved Employees make this Complaint to challenge Defendant's policies and practices of: (1) failing to pay Plaintiff and Aggrieved Employees at their regular rate of pay for all hours worked; (2) failing to pay Plaintiff and Aggrieved Employees minimum wage for all hours worked; (3) failing to pay Plaintiff and Aggrieved Employees at the appropriate overtime rate for all hours worked above eight per day and/or 40 per week; (4) failing to provide and/or make available meal periods to Plaintiff and Aggrieved Employees or pay requisite premiums in lieu thereof; (5) failing to authorize and permit rest periods to Plaintiff and Aggrieved Employees or pay requisite

premiums in lieu thereof; (6) failing to provide Plaintiff and Aggrieved Employees accurate itemized wage statements; and (7) failing to pay all wages upon separation. In addition, Defendant (8) does not reimburse Plaintiff and Aggrieved Employees for necessary business expenditures.

6. Plaintiff and Aggrieved Employees seek penalties under the Labor Code Private Attorneys General Act of 2004 ("PAGA").

JURISDICTION AND VENUE

7. This Court has jurisdiction over Plaintiff's claims for penalties pursuant to the PAGA. The Court also has jurisdiction over Defendant because Defendant does business in the State of California and is registered with the California Secretary of State.

8. Venue is proper in this judicial district pursuant to Code of Civil Procedure §§ 393 and/or 395.5. Defendant conducts business in this County, employ Aggrieved Employees in this County, have jobsites in this County, and therefore liability, as well as the cause, or some part of the cause, arose in this County.

PARTIES

9. Plaintiff Dominique Whitfield is an individual over the age of eighteen, and at all times relevant to this Complaint was a resident of the State of California.

10. Plaintiff worked for Defendant as a Store Manager primarily in Sacramento, California, but also worked at stores throughout the San Francisco Bay Area from approximately August 2012 to approximately January 2026. While Plaintiff started as an hourly employee, Dollar Tree promoted her to an exempt Store Manager position in approximately 2020.

11. Plaintiff is informed, believes, and thereon alleges that Dollar Tree Stores, Inc., who operates as Dollar Tree, is a Virginia corporation with its principal place of business located in Chesapeake, Virginia. Dollar Tree is registered to do business in the State of California and does business in the State of California.

12. Upon information and belief, Dollar Tree is a discount store retailer that does business in California. Dollar Tree operates approximately 830 stores in California.

13. At all material times, Defendant does business under the laws of California, has places of business in the State of California, including in this County. Defendant is a "person" as defined in

Cal. Lab. Code § 18 and Cal. Bus. & Prof. Code § 17201. Defendant is also an "employer" as that term is used in the California Labor Code and the IWC Wage Orders.

14. Defendant employed Plaintiff because Defendant, directly or indirectly, controlled the employment terms, pay practices, timekeeping practices, and daily work of Plaintiff.

FACTUAL ALLEGATIONS

15. Upon information and belief, Dollar Tree is a discount store retailer that operates retail locations across the state of California. Defendant misclassified Plaintiff and Aggrieved Employees as exempt, salaried managerial employees, in violation of the California Labor Code and IWC Wage Order 4-2001.

16. Plaintiff worked at Dollar Tree from 2012 until approximately January 2026. While Plaintiff started as an hourly employee, Dollar Tree promoted her to an exempt Store Manager position in approximately 2020. Plaintiff worked for Defendant primarily in Sacramento, California, but also worked at stores throughout the San Francisco Bay Area. Defendant paid Plaintiff an annual salary of $72,000 and treated her as an exempt employee.

17. Aggrieved Employees were and are employed by Defendant and performed work materially similar to Plaintiff throughout California, including in this County.

18. Aggrieved Employees perform their jobs under Defendant's supervision and using materials and technology approved and supplied by Defendant.

19. Aggrieved Employees are required to follow and abide by common work, time, and pay policies and procedures in the performance of their jobs.

20. At the end of each pay period, Aggrieved Employees receive wages from Defendant that are determined by common systems and methods that Defendant selects and controls.

21. Defendant pays Aggrieved Employees an annual salary.

22. Defendant has a policy and practice of misclassifying store managers as salaried exempt employees. As a result, Defendant pays store managers a fixed amount of money each pay period regardless of the number of hours they work. However, because of the duties Defendant expects store managers to perform, store managers, such as Plaintiff, spend the significant majority of their time performing non-exempt employees' duties.

23. Plaintiff and Aggrieved Employees spend the majority of their time performing tasks that are performed by Defendant's non-exempt, hourly employees, and in particular spend large amounts of time stocking shelves, merchandising, and cleaning and moving food products around the store. In addition, Plaintiff and Aggrieved Employees are regularly required to perform cashiering tasks, stock shelves, unload freight, clean, cover staffing shortages, and perform duties identical to those performed by hourly employees.

24. Plaintiff and Aggrieved Employees spend a limited amount of time on low-level managerial tasks, but their ability to exercise discretion and independent judgment in these managerial duties is limited by Defendant's requirement that District Managers approve all major decisions, and the rigid policies, practices, and procedures set by Defendant that Plaintiff and Aggrieved Employees are expected to follow without deviation.

25. Non-exempt duties account for more than half of Plaintiff and Aggrieved Employees' time worked. The remaining time was spent on managerial tasks, such as conducting interviews, handling managerial-level customer service issues, and reporting to the store manager or district manager on, *inter alia*, conditions of the store, inventory levels, and attendance. But their ability to exercise discretion and independent judgment was substantially limited by Defendant's requirement that District Managers approve all major decisions.

26. Plaintiff and Aggrieved Employees are not able to exercise discretion and independent judgment because Defendant provides detailed policies and procedures that Plaintiff and Aggrieved Employees are expected to follow without deviation. These policies and procedures dictate how Plaintiff and Aggrieved Employees are to perform managerial tasks. For example, any hiring, discipline, and termination decisions required approval from district management or human resources, and labor hours are strictly controlled through centralized payroll allocations set by Defendant's District Managers that routinely leaves stores understaffed. Thus, even when Plaintiff engages in purported managerial tasks, she has very limited discretion in how she managed tardiness and absences from subordinate employees. In fact, rather than provide additional payroll hours, Respondent maintained a policy of utilizing exempt store managers from other locations to fill in where needed. Plaintiff was regularly pulled from her primary store locations and tasked with assisting other stores

doing non-exempt work so that Dollar Tree did not have to provide additional payroll hours, even when staffing levels were low.

27. Given Defendant's District Manager's control and the extent to which Defendant's policies and procedures dictate management decisions, Plaintiff and Aggrieved Employees exercise little to no discretion and independent judgment.

28. Plaintiff and Aggrieved Employees regularly work well in excess of forty hours per week, commonly working between approximately 70 and 90 hours weekly and frequently working six consecutive days, or more. Plaintiff and Aggrieved Employees do not clock in or out for shifts.

29. As a result of Defendant's policy and practice of misclassifying Plaintiff and Aggrieved Employees as exempt, Plaintiff and Aggrieved Employees are not compensated in accordance with the requirements of the California Labor Code. Plaintiff and Aggrieved Employees are entitled to pay for all hours worked, overtime premiums for hours worked above eight per day and 40 per week, meal and rest periods in compliance with the California Labor Code and IWC Wage Order 4-2001, and numerous other wage and hour protections.

30. Plaintiff and Aggrieved Employees, like all employees in California, are presumed to be non-exempt, hourly employees under California law. Under Defendant's policies and practices, Plaintiff and Aggrieved Employees spend the majority of their time performing hourly tasks and, to the extent that Plaintiff and Aggrieved Employees make managerial decisions, their discretion and independent judgment are limited at every turn. Therefore, Plaintiff and Aggrieved Employees are non-exempt employees under the law and are not subject to exemption under the California Labor Code and IWC Wage Order 4-2001.

31. Defendant fails to provide these wage and hour protections to Plaintiff and Aggrieved Employees. As a result, and in violation of California law, Defendant (1) fails to pay Plaintiff and Aggrieved Employees minimum wage for all hours worked; (2) fails to compensate Plaintiff and Aggrieved Employees at applicable California overtime rates; (3) fails to authorize and permit Plaintiff and Aggrieved Employees to take meal periods to which they are entitled by law or pay requisite premiums in lieu thereof; (4) fails to authorize and permit Plaintiff and Aggrieved Employees to take rest periods to which they are entitled by law or pay requisite premiums in lieu thereof; (5) fails

to provide Plaintiff and Aggrieved Employees accurate itemized wage statements; and (6) fails to timely pay Plaintiff and Aggrieved Employees all wages during employment and following separation from employment.

32. In addition, Defendant (7) does not reimburse Plaintiff and Aggrieved Employees for necessary business expenditures.

33. Specifically, Plaintiff and Aggrieved Employees are not paid for all hours worked, as Defendant did not track Plaintiff and Aggrieved Employees' time. Plaintiff and Aggrieved Employees regularly work far more than their scheduled hours, including at nights and on weekends.

34. Plaintiff and Aggrieved Employees also experience frequent overtime violations as Defendant does not pay Plaintiff and Aggrieved Employees overtime premiums, even though they routinely work well in excess of eight hours per day and/or 40 hours per week.

35. Plaintiff and Aggrieved Employees also endure meal and rest period violations. Because Defendant's stores frequently operate with only one manager present and Defendant requires a manager be present in the store at all times, Plaintiff and Aggrieved Employees are often unable to take compliant thirty-minute duty-free meal periods within the first five hours of work. For example, when Plaintiff was the only manager and/or employee present on site, Plaintiff was unable to leave the store premises or relinquish all duties. Thus, meal periods are commonly late, interrupted, on-duty, or entirely missed.

36. As a result of these issues, Plaintiff and Aggrieved Employees are unable to take full, timely, legally compliant meal and rest breaks. Defendant does not pay Plaintiff and Aggrieved Employees the required premium pay for non-compliant meal and rest periods.

37. Defendant does not provide Plaintiff and Aggrieved Employees with accurate wage statements as required by California law. The wage statements given to Plaintiff and Aggrieved Employees do not reflect the total number of hours they actually work, the applicable hourly rates, the number of hours worked at each hourly rate, and premium pay for non-compliant meal and rest breaks.

38. Defendant did not provide Plaintiff and Aggrieved Employees with full payment of all wages during employment and following separation from employment. Plaintiff is owed pay for all hours worked, overtime premium pay, and premium pay for missed meal and rest breaks, and these

amounts remained unpaid during and after Plaintiff's employment with Defendant.

39. Defendant also does not reimburse Plaintiff and Aggrieved Employees for business-related expenses that they incurred in the performance of the duties for the benefit of Defendant. Defendant requires Plaintiff and Aggrieved Employees to use their personal cellular phones for work-related purposes. For example, Plaintiff is required to submit hundreds of photographs each week through her personal cell phone pursuant to a mandatory weekly photography schedule imposed by her District Manager. Plaintiff and Aggrieved Employees are also required to use their personal cell phones for theft documentation, accident reporting, communications with district management via personal and group text messages, scheduling coordination, and incident reporting throughout each week. However, Defendant does not reimburse Plaintiff and Aggrieved Employees for these business expenses.

40. Defendant's method of paying Plaintiff and Aggrieved Employees is willful and not based on a good faith and reasonable belief that its conduct complied with California law.

41. Defendant's conduct is willful, is carried out in bad faith, and caused significant damages to Plaintiff and Aggrieved Employees in an amount to be determined at trial.

FIRST CAUSE OF ACTION

Penalties Pursuant to Cal. Lab. Code § 2699(f)

(Failure to Pay for all Hours Worked)

42. Plaintiff realleges and incorporates the foregoing paragraphs as though fully set forth herein.

43. Plaintiff alleges that Defendant engaged in a policy and practice of not compensating Plaintiff for all hours worked or spent in their control. Defendant regularly require Plaintiff and Aggrieved Employees to perform uncompensated off-the-clock work.

44. Cal. Lab. Code § 200 defines wages as "all amounts for labor performed by employees of every description, whether the amount is fixed or ascertained by the standard of time, task, piece, commission basis or method of calculation."

45. Cal. Lab. Code. § 204(a) provides that "[a]ll wages … earned by any person in any employment are due and payable twice during each calendar month…."

46. Cal. Lab. Code § 1194(a) provides as follows:

> Notwithstanding any other provision of law, any provision of this code that provides for a civil penalty to be assessed and collected by the Labor and Workforce Development Agency or any of its departments, divisions, commissions, boards, agencies, or employees, for a violation of this code, may, as an alternative, be recovered through a civil action brought by an aggrieved employee on behalf of himself or herself and to other current or former employees.

47. IWC Wage Orders, 4-2001(2)(G), defines hours worked as "the time during which an employee is subject to the control of an employer, and includes all the time the employee is suffered or permitted to work, whether or not required to do so."

48. Cal. Lab. Code § 1198 makes it unlawful for employers to employ employees under conditions that violate the Wage Order.

49. In violation of California law, Defendant knowingly and willfully refused to perform its obligations to provide Plaintiff and Aggrieved Employees with compensation for all time worked. Defendant requires Plaintiff and Aggrieved Employees to perform work for the benefit of Defendant without compensation. Specifically, Defendant paid a flat salary without tracking the time worked by Plaintiff and Aggrieved Employees, knowing full well that its employees are entitled to compensation for all hours worked. Therefore, Defendant committed the acts alleged herein knowingly and willfully, and in conscious disregard of Aggrieved Employees' rights.

50. Cal. Lab. Code § 2699(f)(2) provides a civil penalty of one hundred dollars ($100) for each Aggrieved Employee per pay period for the initial violation of a Labor Code provision that does not provide a civil penalty if, at the time of the violation, the employer employs one or more employees. Cal. Lab. Code § 2699(f)(2) provides a civil penalty of two hundred dollars ($200) for each Aggrieved Employee per pay period for each subsequent violation of a Labor Code provision that does not provide a civil penalty if, at the time of the violation, the employer employs one or more employees.

51. Plaintiff seeks to recover civil penalties from Defendant for its failure to pay for all hours worked in violation of Cal. Lab. Code §§ 204, 1194, and 1198 throughout California on behalf of the State of California and Aggrieved Employees pursuant to Cal. Lab. Code § 2699(f).

52. Plaintiff also seeks civil penalties pursuant to Cal. Lab. Code § 2699(a) for the unlawful

conduct alleged herein, on behalf of the State and Aggrieved Employees, for Defendants' violations of Labor Code provisions including but not limited to Cal. Lab. Code § 558(a).

53. Pursuant to Cal. Lab. Code §§ 2699.3(a)(1) and (2), on July 20, 2026, Plaintiff provided the Labor and Workforce Development Agency ("LWDA") with notice of her intention to file this claim. On this same date, Plaintiff mailed Defendant a copy of such notice via certified mail. At least sixty-five calendar days have passed without response from the LWDA. Plaintiff satisfied the administrative prerequisites to commence this civil action in compliance with Cal. Lab. Code § 2699.3(a).

54. Defendant is liable to Aggrieved Employees and the State of California for the civil penalties set forth in this Complaint, with interest thereon. Plaintiff is also entitled to an award of attorneys' fees and costs as set forth below.

55. Wherefore, Plaintiff requests relief as hereinafter provided.

SECOND CAUSE OF ACTION

Penalties Pursuant to Cal. Lab. Code § 2699(f)

(Failure to Pay Minimum Wage)

56. Plaintiff realleges and incorporates the foregoing paragraphs as though fully set forth herein.

57. During the applicable statutory period, Cal. Lab. Code §§ 1182.12 and 1197, and the Minimum Wage Order were in full force and effect, and required that Defendant's hourly employees receive the minimum wage for all hours worked irrespective of whether nominally paid on a piece rate, or any other basis, at the rate of sixteen dollars ($16.00) per hour commencing January 1, 2024.

58. IWC Wage Order 4-2001(2)(G) defines hours worked as "the time during which an employee is subject to the control of an employer, and includes all the time the employee is suffered or permitted to work, whether or not required to do so."

59. Cal. Lab. Code § 1194 provides as follows:

> Notwithstanding any agreement to work for a lesser wage, any employee receiving less than the legal minimum wage or the legal overtime compensation applicable to the employee is entitled to recover in a civil action the unpaid balance of the full amount of this minimum wage or overtime compensation, including interest thereon, reasonable attorneys' fees, and costs of suit.

60. Cal Lab. Code § 1198 makes it unlawful for employers to employ employees under conditions that violate the Wage Orders.

61. Because of Defendant's policies and practices with regard to compensating Plaintiff and Aggrieved Employees, Defendant has failed to pay minimum wages as required by law. For instance, Plaintiff frequently performs work while off-the-clock and during non-compliant meal periods for which she is compensated below the statutory minimum wage, as determined by the Wage Orders.

62. Cal. Lab. Code § 2699(f)(2) provides a civil penalty of one hundred dollars ($100) for each Aggrieved Employee per pay period for the initial violation of a Labor Code provision that does not provide a civil penalty if, at the time of the violation, the employer employs one or more employees. Cal. Lab. Code § 2699(f)(2) provides a civil penalty of two hundred dollars ($200) for each Aggrieved Employee per pay period for each subsequent violation of a Labor Code provision that does not provide a civil penalty if, at the time of the violation, the employer employs one or more employees.

63. Plaintiff seeks to recover civil penalties from Defendant for its failure to pay for all hours worked in violation of Cal. Lab. Code §§ 1182.12, 1194, and 1197 throughout California on behalf of Aggrieved Employees and the State of California pursuant to Cal. Lab. Code § 2699(f).

64. Defendant is liable to Aggrieved Employees and the State of California for the civil penalties set forth in this Complaint, with interest thereon. Plaintiff is also entitled to an award of attorneys' fees and costs as set forth below.

65. Wherefore, Plaintiff requests relief as hereinafter provided.

THIRD CAUSE OF ACTION

Penalties Pursuant to Cal. Lab. Code § 2699(f)

(Failure to Pay Overtime Premiums)

66. Plaintiff realleges and incorporates the foregoing paragraphs as though fully set forth herein.

67. Cal. Lab. Code § 2699(f) provides:

> For all provisions of this code except those for which a civil penalty is

> specifically provided, there is established a civil penalty for a violation of these provisions, as follows: . . . (2) If, at the time of the alleged violation, the person employs one or more employees, the civil penalty is one hundred dollars ($100) for each aggrieved employee per pay period . . . (B) The civil penalty is two hundred dollars ($200) for each aggrieved employee per pay period if either of the following are met:(i) Within the five years preceding the alleged violation, the agency or any court issued a finding or determination to the employer that its policy or practice giving rise to the violation was unlawful. (ii) The court determines that the employer's conduct giving rise to the violation was malicious, fraudulent, or oppressive.

68. Cal. Lab. Code § 200 defines wages as "all amounts for labor performed by employees of every description, whether the amount is fixed or ascertained by the standard of time, task, piece, commission basis or method of calculation."

69. IWC Wage Order 4-2001(2)(K) defines hours worked as "the time during which an employee is subject to the control of an employer and includes all the time the employee is suffered or permitted to work, whether or not required to do so."

70. Cal. Lab. Code § 1198 makes it unlawful for employers to employ employees under conditions that violate the Wage Orders.

71. Cal. Lab. Code § 510 provides, in relevant part:

> Eight hours of labor constitutes a day's work. Any work in excess of eight hours in one workday and any work in excess of 40 hours in any one workweek and the first eight hours worked on the seventh day of work in any one workweek shall be compensated at the rate of no less than one and one-half times the regular rate of pay for an employee. Any work in excess of 12 hours in one day shall be compensated at the rate of no less than twice the regular rate of pay for an employee. In addition, any work in excess of eight hours on any seventh day of a workweek shall be compensated at the rate of no less than twice the regular rate of pay of an employee. Nothing in this section requires an employer to combine more than one rate of overtime compensation in order to calculate the amount to be paid to an employee for any hour of overtime work.

72. Cal. Lab. Code § 1194 provides, in relevant part:

> Notwithstanding any agreement to work for a lesser wage, any employee receiving less than the legal minimum wage or the legal overtime compensation applicable to the employee is entitled to recover in a civil action the unpaid balance of the full amount of this minimum wage or overtime compensation, including interest thereon, reasonable attorney's fees, and costs of suit.

73. Defendant's policies and practices result in wage and overtime payment violations.

74. To the extent that any violation alleged herein does not carry penalties under Cal. Lab. Code § 2699(a), or as an alternate theory as appropriate and/or necessary, Plaintiff seeks civil penalties pursuant to Cal. Lab. Code § 2699(f) for each pay period in which Plaintiff was aggrieved, in the amounts established by Cal. Lab. Code § 2699(f). Plaintiff seeks penalties pursuant to Cal. Lab. Code § 2699(f) for violations of Cal. Lab. Code provisions including, but not limited to, Cal. Lab. Code §§510 1194, 1198, IWC Wage Order 4-2001, and any other violation alleged herein which does not carry penalties under Cal. Lab. Code § 2699(a).

75. Plaintiff seeks the aforementioned penalties on behalf of the State and Aggrieved Employees.

76. Defendant is liable to Plaintiff and the State of California for the civil penalties set forth in this Complaint. Plaintiff is also entitled to an award of attorneys' fees and costs as set forth below.

77. Wherefore, Plaintiff requests relief as hereinafter provided.

FOURTH CAUSE OF ACTION

Penalties Pursuant to Cal. Lab. Code § 2699(f)

(Meal Period Violations)

78. Plaintiff realleges and incorporates the foregoing paragraphs as though fully set forth herein.

79. Cal. Lab. Code § 2699(f) provides:

> For all provisions of this code except those for which a civil penalty is specifically provided, there is established a civil penalty for a violation of these provisions, as follows: . . . (2) If, at the time of the alleged violation, the person employs one or more employees, the civil penalty is one hundred dollars ($100) for each aggrieved employee per pay period for the initial violation and two hundred dollars ($200) for each aggrieved employee per pay period for each subsequent violation.

80. Cal. Lab. Code § 200 defines wages as "all amounts for labor performed by employees of every description, whether the amount is fixed or ascertained by the standard of time, task, piece, commission basis or method of calculation."

81. Cal. Lab. Code § 1198 makes it unlawful for employers to employ employees under conditions that violate the Wage Orders.

82. Cal. Lab. Code §§ 226.7 and 512 and IWC Wage Order 4-2001 require Defendant to

authorize, permit, and/or make available timely and compliant meal periods to their employees. Cal. Lab. Code §§ 226.7 and 512 and IWC Wage Order 4-2001 prohibit employers from employing an employee for more than five (5) hours without a meal period of not less than thirty (30) minutes, and from employing an employee more than ten (10) hours per day without providing the employee with a second meal period of not less than thirty (30) minutes. Unless the employee is relieved of all duty during the thirty-minute meal period, the employee is considered "on duty" and the meal period is counted as time worked under the applicable wage orders.

83. Cal. Lab. Code § 226.7 requires Defendant to pay employees one additional hour of pay at their regular rate of compensation for each workday that a timely, compliant meal period is not provided.

84. Defendant's policies and practices result in meal period violations and Defendant's failure to pay proper premium payments for non-compliant meal periods.

85. To the extent that any violation alleged herein does not carry penalties under Cal. Lab. Code § 2699(a), Plaintiff seeks civil penalties pursuant to Cal. Lab. Code § 2699(f) for each pay period in which Plaintiff was aggrieved, in the amounts established by Cal. Lab. Code § 2699(f). Plaintiff seeks penalties pursuant to Cal. Lab. Code § 2699(f) for violations of Cal. Lab. Code provisions including, but not limited to, Cal. Lab. Code §§ 226.7, 512, 1198, IWC Wage Order 4-2001, and any other violation alleged herein which does not carry penalties under Cal. Lab. Code § 2699(a).

86. Plaintiff seeks the aforementioned penalties on behalf of the State and Aggrieved Employees.

87. Defendant is liable to Aggrieved Employees and the State of California for the civil penalties set forth in this Complaint. Plaintiff is also entitled to an award of attorneys' fees and costs as set forth below.

88. Wherefore, Plaintiff requests relief as hereinafter provided.

FIFTH CAUSE OF ACTION

Penalties Pursuant to Cal. Lab. Code § 2699(f)

(Rest Period Violations)

89. Plaintiff realleges and incorporates the foregoing paragraphs as though fully set forth

herein.

90. Cal. Lab. Code § 2699(f) provides:

> For all provisions of this code except those for which a civil penalty is specifically provided, there is established a civil penalty for a violation of these provisions, as follows: . . . (2) If, at the time of the alleged violation, the person employs one or more employees, the civil penalty is one hundred dollars ($100) for each aggrieved employee per pay period for the initial violation and two hundred dollars ($200) for each aggrieved employee per pay period for each subsequent violation.

91. Cal. Lab. Code § 200 defines wages as "all amounts for labor performed by employees of every description, whether the amount is fixed or ascertained by the standard of time, task, piece, commission basis or method of calculation."

92. Cal. Lab. Code § 1198 makes it unlawful for employers to employ employees under conditions that violate the Wage Orders.

93. Cal. Lab. Code § 226.7 and the applicable Wage Order require employers to authorize and permit employees to take ten (10) minutes of net rest time per four (4) hours or major fraction thereof of work, and to pay employees their full wage during those rest periods.

94. Under Cal. Lab. Code § 226.7(b) and IWC Wage Order 4-2001(12)(B), an employer who fails to provide or make available a required rest period must, as compensation, pay the employee one (1) hour of pay at the employee's regular rate of compensation for each workday that the rest period was not provided or made available.

95. Defendant's policies and practices result in rest period violations and Defendant's failure to pay proper premium payments for non-compliant rest breaks.

96. To the extent that any violation alleged herein does not carry penalties under Cal. Lab. Code § 2699(a), Plaintiff seeks civil penalties pursuant to Cal. Lab. Code § 2699(f) for each pay period in which Plaintiff was aggrieved, in the amounts established by Cal. Lab. Code § 2699(f). Plaintiff seeks penalties pursuant to Cal. Lab. Code § 2699(f) for violations of Cal. Lab. Code provisions including, but not limited to, Cal. Lab. Code §§ 226.7, 1198, IWC Wage Order 4-2001, and any other violations alleged herein which do not carry penalties under Cal. Lab. Code § 2699(a).

97. Plaintiff seeks the aforementioned penalties on behalf of the State and Aggrieved Employees.

98. Defendant is liable to Aggrieved Employees and the State of California for the civil penalties set forth in this Complaint. Plaintiff is also entitled to an award of attorneys' fees and costs as set forth below.

99. Wherefore, Plaintiff requests relief as hereinafter provided.

SIXTH CAUSE OF ACTION

Penalties Pursuant to Cal. Lab. Code § 2699(f)

(Failure to Reimburse Necessary Business Expenses)

100. Plaintiff realleges and incorporates the foregoing paragraphs as though fully set forth herein.

101. Defendant does not reimburse Plaintiff and Aggrieved Employees for all necessary business expenditures and losses incurred as a direct consequence of the discharge of their work duties.

102. Cal. Lab. Code § 2802 provides, in relevant part:

> An employer shall indemnify his or her employee for all necessary expenditures or losses incurred by the employee in direct consequence of the discharge of his or her duties, or of his or her obedience to the directions of the employer, even though unlawful, unless the employee, at the time of obeying the directions, believed them to be unlawful. … For the purposes of this section, the term "necessary expenditures or losses" shall include all reasonable costs, including, but not limited to, attorney's fees incurred by the employee enforcing the rights granted by this section.

103. Defendant's failure to reimburse for necessary business expenses is a violation of Cal. Lab. Code § 2802.

104. Cal. Lab. Code § 2699(f)(2) provides a civil penalty of one hundred dollars ($100) for each Aggrieved Employee per pay period for the initial violation of a Labor Code provision that does not provide a civil penalty if, at the time of the violation, the employer employs one or more employees. Cal. Lab. Code § 2699(f)(2) provides a civil penalty of two hundred dollars ($200) for each Aggrieved Employee per pay period for each subsequent violation of a Labor Code provision that does not provide a civil penalty if, at the time of the violation, the employer employs one or more employees.

105. Plaintiff seeks to recover civil penalties from Defendant for its failure to reimburse for all necessary business expenses in violation of Cal. Lab. Code § 2802 and the applicable wage on

behalf of himself, the State of California, and other Aggrieved Employees pursuant to Cal. Lab. Code § 2699(f).

106. Defendant is liable to Plaintiff, Aggrieved Employees, and the State of California for the civil penalties set forth in this Complaint. Plaintiff is also entitled to an award of attorneys' fees and costs as set forth below.

107. Wherefore, Plaintiff requests relief as hereinafter provided.

SEVENTH CAUSE OF ACTION

Penalties Pursuant to Cal. Lab. Code § 2699(a)

(Inaccurate Itemized Wage Statements)

108. Plaintiff realleges and incorporates the foregoing paragraphs as though fully set forth herein.

109. Cal. Lab. Code § 2699(a) provides:

> Notwithstanding any other provision of law, any provision of this code that provides for a civil penalty to be assessed and collected by the Labor and Workforce Development Agency or any of its departments, divisions, commissions, boards, agencies, or employees, for a violation of this code, may, as an alternative, be recovered through a civil action brought by an aggrieved employee on behalf of himself or herself and to other current or former employees.

110. Cal. Lab. Code § 226(a) provides:

> Every employer shall, semimonthly or at the time of each payment of wages, furnish each of his or her employees, either as a detachable part of the check, draft, or voucher paying the employee's wages, or separately when wages are paid by personal check or cash, an accurate itemized statement in writing showing (1) gross wages earned, (2) total hours worked by the employee, except for any employee whose compensation is solely based on a salary and who is exempt from payment of overtime under subdivision (a) of Section 515 or any applicable order of the Industrial Welfare Commission, (3) the number of piece-rate units earned and any applicable piece-rate if the employee is paid on a piece-rate basis, (4) all deductions, provided that all deductions made on written orders of the employee may be aggregated and shown as one item, (5) net wages earned, (6) the inclusive dates of the period for which the employee is paid, (7) the name of the employee and his or her social security number, (8) the name and address of the legal entity that is the employer, and (9) all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate by the employee.

111. Cal. Lab. Code § 226(e)(1) provides, in relevant part:

> An employee suffering injury as a result of a knowing and intentional failure by an employer to comply with subdivision (a) is entitled to

> recover the greater of all actual damages or fifty dollars ($50) for the initial pay period in which a violation occurs and one hundred dollars ($100) per employee for each violation in a subsequent pay period, not to exceed an aggregate penalty of four thousand dollars ($4,000), and is entitled to an award of costs and reasonable attorney's fees.

112. Cal. Lab. Code § 226.3 provides:

> Any employer who violates subdivision (a) of Section 226 shall be subject to a civil penalty in the amount of two hundred fifty dollars ($250) per employee per violation in an initial citation and one thousand dollars ($1,000) per employee for each violation in a subsequent citation, for which the employer fails to provide the employee a wage deduction statement or fails to keep the records required in subdivision (a) of Section 226. The civil penalties provided for in this section are in addition to any other penalty provided by law.

113. Plaintiff seeks civil penalties pursuant to Cal. Lab. Code § 2699(a) for each failure by Defendant, alleged above, to provide Plaintiff an accurate, itemized wage statement in compliance with Cal. Lab. Code § 226(a) in the amounts established by Cal. Lab. Code § 226.3. In addition, Plaintiff seeks penalties in the amount established by Cal. Lab. Code § 226(e)(1).

114. Plaintiff seeks the aforementioned penalties on behalf of the State and Aggrieved Employees.

115. Defendant is liable to Aggrieved Employees and the State of California for the civil penalties set forth in this Complaint. Plaintiff is also entitled to an award of attorneys' fees and costs as set forth below.

116. Wherefore, Plaintiff requests relief as hereinafter provided.

EIGHTH CAUSE OF ACTION

Penalties Pursuant to Cal. Lab. Code § 2699(a)

(Waiting Time Penalties)

117. Plaintiff realleges and incorporates the foregoing paragraphs as though fully set forth herein.

118. Cal. Lab. Code § 2699(a) provides:

> Notwithstanding any other provision of law, any provision of this code that provides for a civil penalty to be assessed and collected by the Labor and Workforce Development Agency or any of its departments, divisions, commissions, boards, agencies, or employees, for a violation of this code, may, as an alternative, be recovered through a civil action brought by an aggrieved employee on behalf of himself or herself and to other current or former employees.

119. Cal. Lab. Code §§ 201 and 202 require employers to immediately pay wages earned and unpaid to an employee that is discharged, and to pay an employee who quits within 72 hours after he or she quits, at the latest.

120. Cal. Lab. Code § 203 provides, in relevant part:

> If an employer willfully fails to pay, without abatement or reduction, in accordance with Sections 201, 201.5, 202, and 205.5, any wages of an employee who is discharged or who quits, the wages of the employees shall continue as a penalty from the due date thereof at the same rate paid or until an action therefor is commenced; but the wages shall not continue for more than 30 days.

121. Cal. Lab. Code § 256 provides: "[t]he Labor Commissioner shall impose a civil penalty in an amount not exceeding 30 days' pay as waiting time under the terms of Section 203."

122. Plaintiff seeks civil penalties pursuant to Cal. Lab. Code § 2699(a) for each failure by Defendants, as alleged above, to timely pay all wages owed to Plaintiff in compliance with Cal. Lab. Code §§ 201-202 and in the amounts established by Cal. Lab. Code §§ 203 and 256.

123. Plaintiff seeks the aforementioned penalties on behalf of the State and Aggrieved Employees.

124. Defendant is liable to Aggrieved Employees and the State of California for the civil penalties set forth in this Complaint. Plaintiff is also entitled to an award of attorneys' fees and costs as set forth below.

125. Wherefore, Plaintiff requests relief as hereinafter provided.

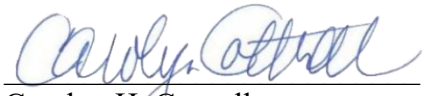
PRAYER FOR RELIEF

WHEREFORE, Plaintiff, on behalf of the State of California and Aggrieved Employees, requests the following relief:

1. For an order awarding civil penalties to the full extent provided for by the PAGA;
2. For an award of reasonable attorneys' fees as provided by the California Labor Code, including Labor Code § 2699(g)(1); California Code of Civil Procedure §1021.5; and/or any other applicable law;
3. For all costs of suit; and
4. For such other and further relief as this Court deems just and proper.

Respectfully submitted,

Dated: October 16, 2026



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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial on all claims and issues for which Plaintiff is entitled to a jury.

Dated: October 16, 2026

Respectfully submitted,

Carolyn H. Cottrell
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