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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

JORDAN SLAFFEY, KARA JOBE, PERRY BRUNO, and DANE HURLBURT, individually and on behalf of all others similarly situated, Plaintiffs, v. JOINT VENTURE RESTAURANT GROUP, INC., J&V GROUP, JON SHOOK, VINNY DOTOLO, L'ESPÉRANCE HOSPITALITY, LUDO LEFEBVRE, AND KRISSY LEFEBVRE, Defendants	Case No. 23STCV14215 **FIRST AMENDED CLASS ACTION COMPLAINT AND JURY DEMAND** (1) FAILURE TO REMIT GRATUITIES IN VIOLATION OF CAL. LAB. CODE § 351

I. INTRODUCTION

1. This is a class action brought under California law challenging the Defendants' failure to remit the total proceeds of gratuities that have been added to food and beverage bills to the employees who provide service of food and beverage in Defendants' restaurants. As set forth below, Defendant Joint Venture Restaurant Group, Inc. ("JVRG"), which operates the restaurants Jon & Vinny's, Animal, Son of a Gun, Helen's, and Cookbook, and Defendant L'Espérance Hospitality, which owns and operates Petit Trois, have imposed gratuities on the sale of food and beverages but have failed to distribute the total proceeds of these gratuities to non-managerial service employees as required by California law. This conduct violates the California Gratuities Law, California Labor Code § 351, which is enforceable through the California Unfair Competition Law, Cal. Bus. & Prof. Code §17200 *et seq*. ("UCL"). Defendants Jon Shook and Vinny Dotolo own and operate JVRG and J&V Group. Defendants Ludo Lefebvre and Krissy Lefebvre own and operate L'Esperance Hospitality. J&V Group owned and operated Petit Trois before L'Esperance Hospitality.
2. Plaintiffs bring this action on her own behalf and on behalf of all food and beverage service employees who have worked at Defendants' restaurants at any time during the relevant statute of limitations.

II. PARTIES

3. Plaintiff Jordan Slaffey is an adult resident of Los Angeles, California, and has worked as a server at Jon & Vinny's Beverly Hills, Slauson, Fairfax, and Brentwood locations.
4. Plaintiff Kara Jobe is an adult resident of Los Angeles, California, and has worked as a server at Jon & Vinny's Beverly Hills location.
5. Plaintiff Perry Bruno is an adult resident of North Hollywood, California, and has worked as a server at Jon & Vinny's Brentwood and Fairfax locations.

6. Plaintiff Dane Hurlburt is an adult resident of Los Angeles, California, and has worked as a server at Petit Trois.
7. Plaintiffs brings this action on their own behalf and on behalf of all others similarly situated, namely all other non-managerial food and beverage service employees who have worked at any of Defendants' restaurants, at any time during the relevant statute of limitations.
8. This class satisfies all the requirements of California Code of Civil Procedure § 382.
9. Defendant Joint Venture Restaurant Group, Inc. ("JVRG") is a California corporation with its principal place of business in Calabasas, California, which owns and operates the restaurants Jon & Vinny's, animal, Son of a Gun, Helen's, and Cookbook, and has employed named plaintiffs and proposed class members.
10. Defendant L'Espérance Hospitality is a California corporation with its principal place of business in California, which owns and operates the restaurant Petit Trois, and has employed named plaintiffs and proposed class members.
11. Defendant J&V Group owned and operated Petit Trois prior to Defendant L'Esperance Hospitality.
12. Defendants Jon Shook and Vinny Dotolo are residents of California and own and operate JVRG. Shook and Dotolo also own and operate J&V Group.
13. Defendants Ludo Lefebvre and Krissy Lefebvre are residents of California and own and operate L'Esperance Hospitality.

III. <u>JURISDICTION</u>

14. This Court has jurisdiction over Plaintiffs' and class members' claims for failure to remit gratuities under Labor Code § 351, enforceable pursuant to Cal. Bus. & Prof. Code § 17200, *et seq*.

IV. <u>STATEMENT OF FACTS</u>

15. At Defendant JVRG's restaurants Jon & Vinny's, animal, Son of a Gun, Petit Trois, Helen's, and Cookbook, and at Defendant L'Espérance Hospitality's restaurant Petit Trois, Defendants have routinely added a service charge in the amount of 18 percent to their food and beverage bills.
16. This service charge has been in the form of an automatic charge which customers are required to pay and which reasonably appears to be a gratuity for the service staff.
17. Food and beverage service employees customarily receive gratuities in the range of 15 to 20 percent or more of the food and beverage bill.
18. Thus, when customers have paid these 18 percent service charges on Defendants' bills, it is reasonable for them to have believed they were gratuities to be paid to the service staff, as that is customarily the percentage added as gratuity or tip in the hospitality industry.
19. Indeed, because of the way these charges are depicted to customers, and the custom in the food and beverage industry that gratuities in the range of 15 to 20 percent are paid for food and beverage service, customers have paid these 18 percent charges reasonably believing they were to be remitted to the service staff.
20. However, Defendants have not remitted the total proceeds of these gratuities to the non-managerial employees who serve the food and beverages at their restaurants.
21. Instead, Defendants have had a policy and practice of retaining for themselves a portion of these gratuities and/or using a portion of these gratuities to pay managers or other non-service employees.
22. As a result, the named plaintiffs and class members have not received the total proceeds of the gratuities to which they are entitled under California law.

V. <u>CLASS ACTION ALLEGATIONS</u>

23. Plaintiffs bring this action as a class action pursuant to California Code of Civil Procedure § 382 on behalf of all non-managerial service employees who have worked at

any of Defendants' restaurant locations, at any time during the relevant statute of limitations.

24. Plaintiffs and class members have been deprived of gratuities that were not remitted to them.

25. The members of the class are so numerous that joinder of all class members is impracticable.

26. Common questions of law and fact regarding Defendants' conduct with respect to gratuities exist as to all members of the class and predominate over any questions affecting solely any individual members of the class. Among the questions of law and fact common to the class are:

   a. Whether the service charges Defendants have collected from customers for services provided at their restaurants constitute gratuities under California law;

   b. Whether Defendants failed to distribute the total proceeds of those gratuities to the non-managerial service employees;

   c. Whether Defendants retained a portion of the gratuities for themselves;

   d. Whether Defendants used a portion of the gratuities to pay managers or other non-service employees.

27. The named plaintiffs are members of the class who suffered damages as a result of Defendants' conduct and actions alleged herein.

28. The named plaintiffs' claims are typical of the claims of the class, and the named plaintiffs have the same interests as the other members of the class.

29. The named plaintiffs will fairly and adequately represent and protect the interests of the class.

30. The named plaintiffs have retained able counsel experienced in class action litigation.

31. The questions of law and fact common to the members of the class predominate over any questions affecting only individual members, including legal and factual issues relating to liability and damages.

32. A class action is superior to other available methods for the fair and efficient adjudication of this controversy because joinder of all class members is impractical. Moreover, since the damages suffered by individual members of the class may be relatively small, the expense and burden of individual litigation makes it practically impossible for all the members of the class individually to redress the wrongs done to them.

33. The class is readily definable and prosecution of this action as a class action will eliminate the possibility of repetitive litigation. There will be no difficulty in the management of this action as a class action.

COUNT I

Gratuity Violation, Cal. Lab. Code § 351

34. Defendants' conduct, as set forth above, in failing to remit to non-managerial service employees the total proceeds of service charges added to customers' bills, which appear to reasonable customers to be gratuities, constitutes a violation of California Labor Code § 351.

35. This violation is enforceable pursuant to the California Unfair Competition Law, Cal. Bus. & Prof. Code § 17200 *et seq*. ("UCL"). Defendants' conduct constitutes unlawful, unfair, or fraudulent business acts or practices, in that Defendants have violated California Labor Code § 351 in not remitting to the non-managerial service employees the total gratuities that are charged to customers.

36. As a result of Defendants' conduct, Plaintiffs and class members suffered injury in fact and lost money and property, including the loss of gratuities to which they were entitled. Pursuant to California Business and Professions Code § 17203, Plaintiffs and class members seek declaratory and injunctive relief for Defendants' unlawful, unfair, and

fraudulent conduct and to recover restitution. Pursuant to California Code of Civil Procedure § 1021.5, Plaintiffs and class members are entitled to recover reasonable attorneys' fees, costs, and expenses incurred in bringing this action.

JURY DEMAND

Plaintiffs request a trial by jury on all claims.

WHEREFORE, Plaintiffs request that this case be certified as a class action; that the class members be awarded restitution for all gratuities that the Defendants collected from customers which were not remitted to the non-managerial service employees; and that they be awarded pre- and post-judgment interest; reasonable attorneys' fees, costs, and expenses; and any other relief to which Plaintiffs and the class may be entitled.

Respectfully submitted,

JORDAN SLAFFEY, KARA JOBE, PERRY BRUNO, and DANE HURLBURT, individually and on behalf of all others similarly situated,

By their attorneys,

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