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8 Attorneys for Plaintiff Reyes Ramirez,
9 on behalf of himself and all “aggrieved employees”
10 pursuant to Labor Code § 2698 *et seq.*

ELECTRONICALLY FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

4/5/2024 8:44 AM

By: Maria Rubio, DEPUTY

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SAN BERNARDINO**

10 REYES RAMIREZ, on behalf of himself and
11 all “aggrieved employees” pursuant to Labor
12 Code § 2698 *et seq.*,

13 Plaintiff,

14 v.

15 LINEAGE LOGISTICS SERVICES, LLC, a
16 Delaware limited liability company, and DOES
17 1 through 10, inclusive,

18 Defendants.

CIVSB2416601

CASE NO:

**REPRESENTATIVE ACTION COMPLAINT
FOR PENALTIES PURSUANT TO LABOR
CODE § 2699(f) FOR VIOLATIONS OF
LABOR CODE §§ 201, 202, 226(a), 226.7, 227.3,
246, 510, 512, AND 1194 AND PURSUANT TO
LABOR CODE § 2699(a) FOR VIOLATIONS
OF LABOR CODE §§ 226.3 AND 558**

1 Plaintiff REYES RAMIREZ (“Plaintiff”), on behalf of himself and others as an “aggrieved
2 employee” under the Labor Code Private Attorneys General Act of 2004, complains of LINEAGE
3 LOGISTICS SERVICES, LLC, a Delaware limited liability company, and any subsidiaries or
4 affiliated companies (hereinafter referred to as “Defendants”) as follows:

5 **I.**

6 **INTRODUCTION AND FACTUAL BACKGROUND**

7 1. This is a Representative Action, pursuant to Labor Code § 2698 *et seq.*, on behalf of
8 Plaintiff and other non-exempt California employees who currently work or formerly worked for
9 Defendants (“Aggrieved Employees”).

10 2. For at least one (1) year prior to the filing of this action and at least one (1) year prior
11 to the date Plaintiff began the process of exhausting the administrative requirements, pursuant to
12 Labor Code § 2698 *et seq.*, and continuing to the present (the “liability period”), Defendants have had
13 consistent policies of:

14 a. Failing to properly blend commissions and other non-base hourly wages,
15 earned by Plaintiff and other Aggrieved Employees into their regular rate of pay for purposes
16 of paying them meal and rest period premiums, overtime wages, vacation/pto wages, and sick
17 pay wages at the correct rates, in violation of Labor Code §§ 226.7, 246, 510, 512, 558, and
18 1194. Defendants pay Plaintiff and other Aggrieved Employees commissions and other non-
19 base hourly wages; however, Defendants fail to properly blend these wages, and instead pay
20 Plaintiff and other Aggrieved Employees meal and rest period premiums, overtime wages,
21 vacation/pto wages, and sick pay wages based only on the base hourly rate of pay, thus
22 depriving Plaintiff and other Aggrieved Employees of all meal and rest period premiums,
23 overtime wages, vacation/pto wages, and sick pay wages earned. This violates Labor Code §§
24 226.7, 246, 510, 512, 558, and 1194;

25 b. Failing to pay Aggrieved Employees who are denied proper meal periods, in
26 violation of Labor Code §§ 226.7, 512, and 558, and IWC Wage Order 4-2001. Aggrieved
27 Employees are routinely denied, and not authorized to take, a timely, uninterrupted, 30-minute
28 meal period for every shift worked that exceeds five hours, or a second timely, uninterrupted,

1 30-minute meal period for every shift worked that exceeds ten hours, but are not paid premium
2 wages of one hour's pay at the proper rate of pay for each missed first or second meal period.
3 When they do receive a meal period, it is routinely late, short, or on-duty. This violates Labor
4 Code §§ 226.7, 512, and 558 and IWC Wage Order 4-2001;

5 c. Failing to pay correct premium wages to Aggrieved Employees who are denied
6 rest periods, in violation of Labor Code § 226.7 and IWC Wage Order No. 4-2001. Aggrieved
7 Employees are routinely unable to take a 10-minute rest period for every four (4) hours of
8 work or major fraction thereof, but are not paid premium wages of one hour's pay for each
9 missed rest period. They are simply denied and not authorized to take their legally entitled
10 rest periods and are never paid premium wages for missed rest periods. This violates Labor
11 Code § 226.7 and IWC Wage Order No. 4-2001;

12 d. Failing to provide Plaintiff and all other Aggrieved Employees with wage
13 statements that fully and accurately itemized the requirements set forth in Labor Code §
14 226(a). Plaintiff and other Aggrieved Employees are not paid all wages due, as stated above.
15 As such, the wage statements provided by Defendants fail to accurately state all gross wages
16 earned, in violation of Labor Code §§ 226(a)(1) and 226.3, total hours worked, in violation of
17 Labor Code §§ 226(a)(2) and 226.3, net wages earned, in violation of Labor Code §§ 226(a)(5)
18 and 226.3, and all applicable hourly rates in effect during the pay period and the corresponding
19 numbers of hours worked at each rate, in violation of Labor Code §§ 226(a)(9) and 226.3; and
20

21 e. Failing to pay certain Aggrieved Employees all wages due, including all
22 accrued, but unused vacation wages, at the separation of their employment based on the time
23 frames required by Labor Code §§ 201-202 and 227.3. As stated above, certain Aggrieved
24 Employees were not paid all wages due during the course of their employment and, as a result
25 of this failure, they were not timely paid all wages due at the separation of their employment,
26 including vacation wages. This violates Labor Code §§ 201-202 and 227.3 and is alleged on
27 behalf of certain Aggrieved Employees no longer employed by Defendants.
28

3. Plaintiff, on behalf of himself and all Aggrieved Employees pursuant to Labor Code § 2698 *et seq.*, seeks civil penalties for Defendants' violations of the California Labor Code.

4. Venue is proper in this judicial district, pursuant to Code of Civil Procedure § 395. The Labor Code violations alleged against Defendants herein arose in San Bernardino County, California.

III.

PARTIES

A. Plaintiff

5. Plaintiff REYES RAMIREZ has been employed by Defendants since December 2018 as a non-exempt employee in San Bernardino County, California.

B. Defendant

6. Defendant LINEAGE LOGISTICS SERVICES, LLC, is a Delaware limited liability company that employed Plaintiff and Aggrieved Employees throughout California, including San Bernardino County.

7. The true names and capacities, whether individual, corporate, associate, or otherwise, of Defendants sued herein as DOES 1 to 10, inclusive, are currently unknown to Plaintiff, who therefore sues Defendants by such fictitious names under Code of Civil Procedure § 474. Plaintiff is informed and believes, and based thereon alleges, that each of the Defendants designated herein as a DOE is legally responsible in some manner for the unlawful acts referred to herein. Plaintiff will seek leave of court to amend this Complaint to reflect the true names and capacities of the Defendants designated hereinafter as DOES when such identities become known.

8. Plaintiff is informed and believes, and based thereon alleges, that each Defendant acted in all respects pertinent to this action as the agent of the other Defendant, carried out a joint scheme, business plan or policy in all respects pertinent hereto, and the acts of each Defendants is legally attributable to the other Defendants.

9. The Defendants named herein as DOE 1 through DOE 10 are and are persons acting on behalf of, or acting jointly with, Defendants, who violated, or caused to be violated, one or more provisions of the California Labor Code as alleged herein.

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IV.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

**PLAINTIFF AND ALL AGGRIEVED EMPLOYEES AGAINST ALL DEFENDANTS
CIVIL PENALTIES PURSUANT TO LABOR CODE § 2699(f) FOR VIOLATIONS OF
LABOR CODE §§ 201, 202, 226(a), 226.7, 227.3, 246, 510, 512, AND 1194 AND PURSUANT
TO LABOR CODE § 2699(a) FOR VIOLATIONS OF LABOR CODE §§ 226.3 AND 558**

10. Plaintiff incorporates paragraphs 1 through 9 of this Complaint as though fully set forth herein.

11. As a result of the acts alleged above, including the Labor Code violations set forth in paragraph 2 above, Plaintiff seeks civil penalties pursuant to Labor Code §§ 2698 *et seq.*

12. For each such violation, Plaintiff and all other Aggrieved Employees are entitled to civil penalties subject to the following formula:

- a. Pursuant to Labor Code § 2699(f), \$100 for each initial violation and \$200 for each subsequent violation of Labor Code §§ 201, 202, 226(a), 226.7, 227.3, 246, 510, 512, and 1194; and
- b. Pursuant to Labor Code § 2699(a), the civil penalties as authorized by Labor Code §§ 226.3 and 558.

13. Civil penalties recovered will be allocated 75% to the Labor and Workforce Development Agency, and 25% to the affected employees.

14. On January 31, 2024, Plaintiff sent a letter, by online submission to the LWDA and by certified mail, return receipt requested, to Defendants setting forth the facts and theories of the violations alleged against Defendants, as prescribed by Labor Code § 2698 *et seq.* Pursuant to Labor Code § 2699.3(a)(2)(A), no notice was received by Plaintiff from the LWDA within sixty-five (65) calendar days of January 31, 2024. Plaintiff may therefore commence this action to seek civil penalties pursuant to Labor Code § 2698 *et seq.*

Wherefore, Plaintiff and the Aggrieved Employees he seeks to represent request relief as described below.

V.

RELIEF REQUESTED

WHEREFORE, Plaintiff prays for the following relief:

1. For civil penalties pursuant to Labor Code § 2698 *et seq.* for Plaintiff and all other Aggrieved Employees;
2. An award providing for payment of costs of suit pursuant to Labor Code § 2699(g)(1) and other applicable law;
3. An award of attorneys' fees pursuant to Labor Code §§ 2699(g)(1) and other applicable law; and
4. Such other and further relief as this Court may deem just and proper.

Dated: April 5, 2024

Respectfully submitted,

GAINES LAW CORPORATION

By: 

EVAN S. GAINES
Attorneys for Plaintiff