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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA**

ZIRL WILSON, on behalf of himself and all
others similarly situated,

Plaintiff,

vs.

OPERATION DIGNITY, INC., a California
corporation; and DOES 1 through 100, inclusive,
Defendants.

Case No. 24CV060151

**FIRST AMENDED CLASS AND
REPRESENTATIVE ACTION
COMPLAINT FOR:**

- (1) **MINIMUM WAGE VIOLATIONS
(LABOR CODE §§ 204, 558, 1182.12,
1194, 1194.2, 1197, 1198);**
- (2) **FAILURE TO PAY OVERTIME
WAGES (LABOR CODE §§ 204, 510,
558, 1194, 1198);**
- (3) **MEAL PERIOD VIOLATIONS
(LABOR CODE §§ 226.7, 512, 1198);**
- (4) **REST PERIOD VIOLATIONS
(LABOR CODE §§ 226.7, 516, 1198)**
- (5) **WAGE STATEMENT VIOLATIONS
(LABOR CODE § 226, *et seq.*);**
- (6) **UNFAIR COMPETITION (BUS. &
PROF. CODE § 17200, *et seq.*); and**
- (7) **CIVIL PENALTIES UNDER THE
PRIVATE ATTORNEYS GENERAL
ACT (LABOR CODE § 2698, *et seq.*)**

**DEMAND FOR JURY TRIAL
UNLIMITED CIVIL CASE**

1 Plaintiff Zirl Wilson (“Plaintiff”), on behalf of himself and all others similarly situated,
2 hereby brings this Class and Representative Action Complaint against Operation Dignity, Inc., a
3 California corporation; and Does 1 through 100, inclusive (collectively, “Defendants”), and on
4 information and belief alleges as follows:

5 **JURISDICTION**

6 1. Plaintiff, on behalf of himself and all others similarly situated, brings this class
7 action for recovery of unpaid wages and penalties under California Business & Professions Code
8 § 17200, *et. seq.*; Labor Code §§ 204, 226, 226.7, 510, 512, 516, 558, 1182.12, 1194, 1194.2,
9 1197, 1198; 2698 *et seq.*; and Industrial Welfare Commission Wage Order No. 4 (“Wage Order
10 4”), in addition to seeking declaratory relief and restitution. This class action is brought pursuant
11 to Code of Civil Procedure § 382. This Court has jurisdiction over Defendants’ violations of the
12 California Labor Code because the amount in controversy exceeds this Court’s jurisdictional
13 minimum.

14 **VENUE**

15 2. Venue is proper in this judicial district pursuant to California Code of Civil
16 Procedure §§ 395(a) and 395.5, as at least some of the acts and omissions complained of herein
17 occurred in Alameda County. Defendants own, maintain offices, transact business, have an agent
18 or agents within Alameda County, and/or otherwise are found within Alameda County, and
19 Defendants are within the jurisdiction of this Court for purposes of service of process.

20 **PARTIES**

21 3. Plaintiff is an individual over the age of eighteen (18). At all relevant times herein,
22 Plaintiff was, and currently is, a California resident. Within the statute of limitations periods
23 applicable to each cause of action pled herein, Plaintiff was employed by Defendants as a non-
24 exempt employee. Plaintiff was, and is, a victim of Defendants’ policies and/or practices
25 complained of herein, lost money and/or property, and has been deprived of the rights guaranteed
26 by California Labor Code §§ 204, 226, 226.7, 510, 512, 516, 558, 1182.12, 1194, 1194.2, 1197,
27 1198, 2698 *et seq.*; California Business & Professions Code § 17200, *et seq.* (Unfair
28 Competition), and Wage Order 4, which sets employment standards for employees in

professional, technical, clerical, mechanical and similar occupations.

4. Plaintiff is informed and believes, and based thereon alleges, that during the four years preceding the filing of this lawsuit and continuing to the present, Defendants did (and do) business as a social services agency, and that they employed Plaintiff and other similarly situated non-exempt employees within Alameda County and the state of California.

5. Plaintiff does not know the true names or capacities, whether individual, partner, or corporate, of the defendants sued herein as DOES 1 through 100, and for that reason, said defendants are sued under such fictitious names, and Plaintiff will seek leave from this Court to amend this Complaint when such true names and capacities are discovered. Plaintiff is informed and believes, and thereon alleges, that each of said fictitious defendants, whether individual, partners, or corporate, were responsible in some manner for the acts and omissions alleged herein, and proximately caused Plaintiff and the Classes (as defined in Paragraph 15) to be subject to the unlawful employment practices, wrongs, injuries, and damages complained of herein.

6. Plaintiff is informed and believes, and based thereon alleges, that at all times mentioned herein, Defendants were and are the employers of Plaintiff and all Class members.

7. At all times herein mentioned, each of said Defendants participated in the acts herein alleged to have been done by the named Defendants; and furthermore, the Defendants, and each of them, were the agents, servants, and employees of each of the other Defendants, as well as the agents of all Defendants, and at all times herein mentioned were acting within the course and scope of said agency and employment. Defendants, and each of them, approved of, condoned, and/or otherwise ratified each of the acts or omissions alleged herein.

8. At all times mentioned herein, Defendants, and each of them, were members of and engaged in a joint venture, partnership, and common enterprise, and acting within the course and scope of and in pursuance of said joint venture, partnership, and common enterprise. Further, Plaintiff alleges that all Defendants were joint employers for all purposes of Plaintiff and all Class Members (as defined in Paragraph 15).

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10. During Plaintiff's employment with Defendants, Defendants have utilized a timekeeping system which resulted in Plaintiff not being compensated for all hours worked. Specifically, Plaintiff and other non-exempt employees were required to clock in and out for their shifts, and although on information and belief, Defendants recorded Plaintiff's clock-in and clock-out times to the minute, Defendants rounded Plaintiff's and other employees' time entries, to employees' detriment. Defendants' time-rounding is not even-handed and has resulted in Plaintiff and other non-exempt employees not being compensated for all hours worked. As a result of this policy/practice, Plaintiff and other non-exempt employees have not been paid all wages due, including overtime and minimum wages.

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12. Defendants have also failed to authorize and permit rest periods to Plaintiff and other non-exempt employees. Specifically, Plaintiff and other non-exempt employees were frequently unable to take rest periods to which they were entitled as a result of the workload imposed by Defendants and under-staffing, as described above. In those instances that Defendants failed to authorize and permit Plaintiff and other non-exempt employees to take a legally compliant rest period, Defendants failed to pay the rest period premiums required by Labor Code § 226.7. Upon information and belief, during at least a portion of the putative class period, Defendants maintained no payroll code or other mechanism for paying rest period premiums when Defendants failed to authorize and permit a legally compliant rest period.

13. As a result of Defendants' failure to pay all minimum wages and overtime wages, as well as Defendants' failure to pay meal and rest period premium wages, Defendants have failed to pay all wages to formerly employed non-exempt employees at the separation of their employment.

14. As a further result of Defendants' failure to pay all minimum wages and overtime wages, as well as Defendants' failure to pay meal and rest period premium wages, Defendants have maintained inaccurate payroll records, and issued inaccurate wage statements to Plaintiff and other non-exempt employees.

CLASS ACTION ALLEGATIONS

15. Class Definitions: Plaintiff brings this action on behalf of himself and the following Classes pursuant to Section 382 of the Code of Civil Procedure:

a. The Minimum Wage Class consists of all of the Defendants' current and former non-exempt employees in California who were subject to Defendants' timekeeping practices, at any time from four years prior to the filing of this action through the present.

b. The Overtime Class consists of all of the Defendants' current and former non-exempt employees in California who worked more than 8.0 hours in a workday and/or over 40.0 hours in a workweek, and were subject to Defendants' timekeeping practices, at any time from four years preceding the filing of this action through the present.

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c. The Meal Period Class consists of all of the Defendants' current and former non-exempt employees in California who worked at least one shift in excess of 5.0 hours, at any time from four years preceding the filing of this action through the present.

d. The Rest Period Class consists of all of the Defendants' current and former non-exempt employees in California who worked at least one shift of 3.5 hours or more, at any time from four years preceding the filing of this action through the present.

e. The Wage Statement Class consists of all members of the Minimum Wage Class, Overtime Class, Meal Period Class, and/or Rest Period Class, who received a wage statement at any time from one year preceding the filing of this action through the present.

16. **Numerosity/Ascertainability:** The members of the Classes are so numerous that joinder of all members would be unfeasible and impracticable. The membership of the Classes is unknown to Plaintiff at this time; however, it is estimated that the Classes number greater than fifty (50) individuals in each Class. The identity of such membership is readily ascertainable via Defendants' employment records.

17. **Common Questions of Law and Fact Predominate/Well Defined Community of Interest:** There are common questions of law and fact as to Plaintiff and all other similarly situated employees, which predominate over questions affecting only individual members including, without limitation:

- i. Whether Defendants' timekeeping and payroll practices violate the applicable Labor Code provisions including, but not limited to, Sections 510 and 1194 by requiring overtime work and not paying the Overtime Class for said work according to California's overtime laws;
- ii. Whether Defendants paid at least the minimum wage for all hours worked to members of the Minimum Wage Class;
- iii. Whether Defendants provided legally compliant meal periods to members of the Meal Period Class;
- iv. Whether Defendants authorized and permitted legally compliant rest periods to members of the Rest Period Class; and

v. Whether Defendants furnished legally compliant wage statements to members of the Wage Statement Class pursuant to Labor Code § 226.

18. **Predominance of Common Questions:** Common questions of law and fact predominate over questions that affect only individual members of the Classes. The common questions of law set forth above are numerous and substantial and stem from Defendants' policies and/or practices applicable to each individual class member, such as Defendants' timekeeping, overtime, wage statement, meal period, and rest period policies/practices. As such, the common questions predominate over individual questions concerning each individual class member's showing as to his or her eligibility for recovery or as to the amount of his or her damages.

19. **Typicality:** Plaintiff's claims are typical of the claims of the Classes because Plaintiff was employed by Defendants as a non-exempt employee in California during the statute(s) of limitation applicable to each cause of action pled in the Complaint in this action. As alleged herein, Plaintiff, like the members of the Classes, was deprived of all earned minimum wages and overtime wages, was subject to Defendants' uniform meal and rest period policies/practices, and was furnished with inaccurate wage statements.

20. **Adequacy of Representation:** Plaintiff is fully prepared to take all necessary steps to represent fairly and adequately the interests of the members of the Classes. Moreover, Plaintiff's attorneys are ready, willing, and able to fully and adequately represent Plaintiff and the members of the Classes. Plaintiff's attorneys have prosecuted numerous wage-and-hour class actions in state and federal courts in the past and are committed to vigorously prosecuting this action on behalf of the members of the Classes.

21. **Superiority:** The Labor Code is broadly remedial in nature and serves an important public interest in establishing minimum working conditions and standards in California. These laws and standards protect the average worker from exploitation by employers who may seek to take advantage of superior economic and bargaining power in setting onerous terms and conditions of employment. The nature of this action and the format of laws available to Plaintiff and members of the Classes make the class action format a particularly efficient and appropriate procedure to redress the violations alleged herein. If each employee were required to

1 file an individual lawsuit, Defendants would necessarily gain an unfair advantage, as they would
2 be able to exploit and overwhelm the limited resources of each individual plaintiff with their
3 vastly superior financial and legal resources. Moreover, requiring each Class member to pursue
4 an individual remedy would discourage the assertion of lawful claims by employees who would
5 be disinclined to file an action against a former or current employer for fear of retaliation and
6 damage to their careers at subsequent employment. Further, the prosecution of separate actions
7 by individual Class members would create a risk of inconsistent or varying adjudications with
8 respect to the individual Class members against Defendants; and which would establish
9 potentially incompatible standards of conduct for Defendants. Further, the claims of individual
10 Class members are not large enough to warrant individual prosecution considering all of the
11 concomitant costs and expenses attending thereto. As such, the Classes identified in Paragraph
12 15 are maintainable under Section 382 of the Code of Civil Procedure.

13 **FIRST CAUSE OF ACTION**

14 **MINIMUM WAGE VIOLATIONS**

15 **(AGAINST ALL DEFENDANTS)**

16 22. Plaintiff re-alleges and incorporates by reference all previous paragraphs.

17 23. Wage Order 4, § 4 and Labor Code §§ 1197 and 1182.12 establish employees'
18 right to be paid minimum wages for all hours worked in amounts set by state law. Labor Code §§
19 1194(a) and 1194.2(a) provide that an employee who has not been paid the legal minimum wage
20 as required by Labor Code § 1197 may recover the unpaid balance together with attorneys' fees,
21 costs of suit, liquidated damages in an amount equal to the unpaid wages, and interest.

22 24. At all relevant times, Defendants failed to conform their pay practices to the
23 requirements of the law by failing to pay Plaintiff and the Minimum Wage Class for all hours
24 actually worked including, but not limited to, all hours they were subject to Defendants' control
25 and/or suffered or permitted to work under the Labor Code and Wage Order 4.

26 25. California Labor Code § 1198 makes unlawful the employment of an employee
27 under conditions that the IWC prohibits. California Labor Code §§ 1194(a) and 1194.2(a) provide
28 that an employer who has failed to pay its employees the legal minimum wage is liable to pay

those employees the balance of the unpaid wages as well as liquidated damages in an amount equal to the wages due and interest thereon.

26. As a direct and proximate result of Defendants' unlawful conduct as alleged herein, Plaintiff and the Minimum Wage Class have sustained economic damages, including but not limited to unpaid wages and lost interest, in an amount to be established at trial, and they are entitled to recover economic and statutory damages and penalties and other appropriate relief as a result of Defendants' violations of the California Labor Code and Wage Order 4.

27. Defendants' practice and uniform administration of corporate policy regarding illegal employee compensation is unlawful and creates an entitlement to recovery by Plaintiff and the Minimum Wage Class in a civil action for the unpaid amount of minimum wages, liquidated damages, interest thereon, statutory penalties, and attorneys' fees and costs of suit, per Labor Code §§ 204, 218.6, 558, 1194, 1194.2, 1197, 1198, and Code of Civil Procedure § 1021.5.

SECOND CAUSE OF ACTION

FAILURE TO PAY OVERTIME WAGES

(AGAINST ALL DEFENDANTS)

28. Plaintiff re-alleges and incorporates by reference all previous paragraphs.

29. This cause of action is brought pursuant to Labor Code §§ 204, 510, 558, 1194, and 1198, which provide that non-exempt employees are entitled to overtime wages for all overtime hours worked, and which provide a private right of action for the failure to pay all overtime compensation for overtime work performed.

30. At all times relevant herein, Defendants were required to properly compensate Plaintiff and members of the Overtime Class for all overtime hours worked pursuant to California Labor Code § 1194 and Wage Order 4. Wage Order 4, § 3 requires an employer to pay an employee "one and one-half (1½) times [the] employee's regular rate of pay" for work in excess of 8 hours per workday and/or in excess of 40 hours in any workweek, and for the first 8 hours on the seventh consecutive workday in a workweek. Wage Order 4, § 3 also requires an employer to pay double the employee's regular rate of pay for work in excess of 12 hours in a workday and/or in excess of 8 hours on the seventh consecutive workday in the workweek. As alleged

herein, Defendants caused Plaintiff and Overtime Class members to work overtime hours but did not pay them at one and one-half times (or two times) their regular rate of pay for such hours.

31. The foregoing policies and practices are unlawful and create entitlement to recovery by Plaintiff and the Overtime Class in a civil action for the unpaid amount of overtime owing, interest thereon, statutory penalties, and attorneys' fees and costs of suit according to Cal. Labor Code §§ 204, 218.6, 510, 558, 1194, and 1198, and Code of Civil Procedure § 1021.5.

THIRD CAUSE OF ACTION

MEAL PERIOD VIOLATIONS

(AGAINST ALL DEFENDANTS)

32. Plaintiff re-alleges and incorporates by reference all previous paragraphs.

33. Plaintiff is informed and believes, and based thereon alleges, that Defendants failed in their affirmative obligation to provide all their hourly non-exempt employees, including Plaintiff and members of the Meal Period Class, with all required meal periods in accordance with the mandates of the California Labor Code and Wage Order 4, for the reasons set forth in this Complaint.

34. As a result, Defendants owe premium compensation for meal period violations, including interest thereon, statutory penalties, and costs of suit, pursuant to Wage Order 4, Labor Code §§ 226.7 and 512, Civil Code § 3287, and Art. XV, § 1 of the California Constitution.

FOURTH CAUSE OF ACTION

REST PERIOD VIOLATIONS

(AGAINST ALL DEFENDANTS)

35. Plaintiff re-alleges and incorporates by reference all previous paragraphs.

36. Labor Code §§ 226.7 and 516, and Wage Order 4, § 12 establish the right of employees to be authorized and permitted a rest period of at least ten (10) minutes for each four (4) hour period worked, or major fraction thereof.

37. As alleged herein, Defendants have failed to authorize and permit Plaintiff and Rest Period Class members to take their legally entitled rest periods. Defendants have also failed to compensate Plaintiff and Rest Period Class members with a rest period premium for each rest

period to which they were entitled while working.

38. The foregoing violations create an entitlement to recovery by Plaintiff and Rest Period Class members in a civil action for the unpaid amount of rest period premiums owing, including interest thereon, statutory penalties, civil penalties, and costs of suit according to Labor Code §§ 226.7, 516, 558; Code of Civil Procedure § 1021.5; Civil Code § 3287; and Art. XV, § 1 of the California Constitution.

FIFTH CAUSE OF ACTION
WAGE STATEMENT VIOLATIONS
(AGAINST ALL DEFENDANTS)

39. Plaintiff re-alleges and incorporates by reference all previous paragraphs.

40. Plaintiff is informed and believes, and based thereon alleges, that Defendants knowingly and intentionally, as a matter of uniform policy and practice, failed to furnish Plaintiff and the Wage Statement Class with accurate and complete itemized wage statements that included, among other requirements, all hours worked, all wages earned, as well as all meal and rest period premium wages earned, in violation of Labor Code § 226.

41. Defendants' failure to furnish Plaintiff and members of the Wage Statement Class with complete and accurate itemized wage statements resulted in injury, as said failures led to, among other things, the non-payment of all their minimum and overtime wages and meal and rest period premium wages, and deprived them of the information necessary to identify and reconcile the discrepancies in Defendants' reported data.

42. Defendants' failures create an entitlement to recovery by Plaintiff and members of the Wage Statement Class in a civil action for all damages and/or penalties pursuant to Labor Code § 226, including statutory penalties, civil penalties, and reasonable attorneys' fees and costs of suit, pursuant to Labor Code §§ 226 and 226.3.

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1 **SIXTH CAUSE OF ACTION**

2 **UNFAIR COMPETITION**

3 **(AGAINST ALL DEFENDANTS)**

4 43. Plaintiff re-alleges and incorporates by reference all previous paragraphs.

5 44. Defendants have engaged, and continue to engage, in unfair and/or unlawful
6 business practices in violation of Business & Professions Code § 17200, *et seq.*, by, *inter alia*,
7 failing to pay Plaintiff and the Classes all minimum and overtime wages due, failing to provide
8 meal periods, failing to authorize and permit rest periods, and failing to furnish accurate and
9 complete itemized wage statements.

10 45. Defendants' utilization of these unfair and/or unlawful business practices has
11 deprived Plaintiff and members of the Classes of compensation to which they are legally entitled,
12 constitutes unfair and/or unlawful competition, and provides an unfair advantage over
13 Defendants' competitors who have been and/or are currently employing workers and attempting
14 to do so in honest compliance with applicable wage and hour laws.

15 46. Because Plaintiff is a victim of Defendants' unfair and/or unlawful conduct alleged
16 herein, Plaintiff for himself, and on behalf of the members of the Classes, seeks full restitution of
17 monies as necessary and according to proof, to restore all monies withheld, acquired, and/or
18 converted by Defendants pursuant to Business & Professions Code §§ 17203 and 17208.

19 47. The acts complained of herein occurred within the four years immediately
20 preceding the filing of this action.

21 48. Plaintiff was compelled to retain the services of counsel to file this court action to
22 protect his interests and those of the Classes, to obtain restitution and injunctive relief on behalf
23 of Defendants' current non-exempt employees, and to enforce important rights affecting the
24 public interest. Plaintiff has thereby incurred the financial burden of attorneys' fees and costs,
25 which he is entitled to recover under Code of Civil Procedure § 1021.5.

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1 **SEVENTH CAUSE OF ACTION**

2 **PRIVATE ATTORNEYS GENERAL ACT**

3 **(AGAINST ALL DEFENDANTS)**

4 49. Plaintiff re-alleges and incorporates by reference all previous paragraphs.

5 50. Defendants have committed several Labor Code violations against Plaintiff and
6 other aggrieved employees. Plaintiff is an “aggrieved employee” within the meaning of Labor
7 Code § 2698 *et seq.* Plaintiff, acting on behalf of himself and other aggrieved employees, brings
8 this representative action against Defendants to recover the civil penalties due to Plaintiff, other
9 aggrieved employees, and the State of California according to proof pursuant to Labor Code §§
10 558 and 2699 (a) and (f) including, but not limited to: (1) \$50.00 for each initial violation and
11 \$100.00 for each subsequent violation pursuant to Labor Code § 558 per employee per pay period;
12 (2) \$100.00 for each initial violation and \$250.00 for each subsequent violation pursuant to Labor
13 Code § 1197.1 per employee per pay period; (3) \$250.00 for each initial violation of Labor Code
14 § 226 and \$1,000.00 for each subsequent violation, pursuant to Labor Code § 226.3, per employee
15 per pay period; and/or (4) \$100.00 for each initial violation and \$200.00 for each subsequent
16 violation per employee per pay period for those violations of the Labor Code for which no civil
17 penalty is specifically provided, based on the following Labor Code violations:

18 a. Failing to pay Plaintiff and other aggrieved employees at least the minimum
19 wage for all hours worked in violation of Labor Code §§ 204, 558, 1194,
20 1194.2, 1197;

21 b. Failing to pay Plaintiff and other aggrieved employees all overtime and/or
22 double-time compensation earned in violation of Labor Code §§ 204, 510, 558,
23 1194, and 1198;

24 c. Failing to provide all legally required meal periods and failing to pay meal
25 period premiums to Plaintiff and other aggrieved employees at the employees’
26 respective regular rates of compensation, in violation of Labor Code §§ 226.7,
27 512, 516, 558, and 1198;

- d. Failing to authorize and permit all legally required rest periods and failing to pay rest period premiums to Plaintiff and other aggrieved employees at the employees' respective regular rates of compensation, in violation of Labor Code §§ 226.7, 516, 558, and 1198;
- e. Failing to furnish Plaintiff and other aggrieved employees with accurate and complete itemized wage statements, in violation Labor Code §§ 226 and 1198;
- f. Failing to pay all wages owed to Plaintiff and other aggrieved former employees at their separation of employment, in violation of Labor Code §§ 201-203; and
- g. Failing to maintain accurate records (including but not limited to records of actual hours worked) on behalf of Plaintiff and other aggrieved employees, in violation of Labor Code §§ 1174 and 1198.

51. On or about January 16, 2024, Plaintiff notified Defendant Operation Dignity, Inc., via certified mail, and the California Labor and Workforce Development Agency ("LWDA") via its website, of Defendants' violations of the California Labor Code and Plaintiff's intent to bring a claim for civil penalties under California Labor Code § 2698 *et seq.* with respect to the violations of the California Labor Code identified in paragraph 50 (a)-(g) above. Now that sixty-five days have passed from Plaintiff's notifying Defendants and the LWDA of these violations, Plaintiff has exhausted her administrative requirements for bringing a claim under the Private Attorneys General Act with respect to these violations.

52. Plaintiff was compelled to retain the services of counsel to file this court action to protect her interests and the interests of other aggrieved employees, and to assess and collect the civil penalties owed by Defendants. Plaintiff has thereby incurred attorneys' fees and costs, which she is entitled to recover under California Labor Code § 2699(g).

PRAYER

WHEREFORE, Plaintiff prays for judgment for himself and for all others on whose behalf this suit is brought against Defendants, as follows:

1. For an order certifying the proposed Classes;
2. For an order appointing Plaintiff as representative of the Classes;

- 1 3. For an order appointing counsel for Plaintiff as counsel for the Classes;
- 2 4. Upon the First Cause of Action, for payment of minimum wages, liquidated
3 damages, and penalties according to proof pursuant to Labor Code §§ 1182.12, 1194, 1194.2,
4 1197, and 1198;
- 5 5. Upon the Second Cause of Action, for compensatory, consequential, general, and
6 special damages according to proof pursuant to Labor Code §§ 204, 510, 558, 1194, and 1198;
- 7 6. Upon the Third Cause of Action, for compensatory, consequential, general, and
8 special damages according to proof pursuant to Labor Code §§ 226.7, 512, and 1198;
- 9 7. Upon the Fourth Cause of Action, for compensatory, consequential, general, and
10 special damages according to proof pursuant to Labor Code §§ 226.7, 516, and 1198;
- 11 8. Upon the Fifth Cause of Action, for statutory penalties pursuant to Labor Code §
12 226, *et seq.*;
- 13 9. Upon the Sixth Cause of Action, for restitution to Plaintiff and members of the
14 Classes of all money and/or property unlawfully acquired by Defendants by means of any acts or
15 practices declared by this Court to be in violation of Bus. & Prof. Code § 17200, *et seq.*;
- 16 10. Upon the Seventh Cause of Action, for civil penalties due to Plaintiff, other
17 aggrieved employees, and the State of California according to proof pursuant to Labor Code §
18 2699, including, but not limited to: (1) \$50.00 for each initial violation and \$100 for each
19 subsequent violation pursuant to Labor Code § 558 per employee per pay period; (2) \$100.00 for
20 each initial violation and \$250.00 for each subsequent violation pursuant to Labor Code § 1197.1
21 per employee per pay period; (3) \$250.00 for each initial violation of Labor Code § 226 and
22 \$1,000.00 for each subsequent violation, pursuant to Labor Code § 226.3 per employee per pay
23 period; and/or (4) \$100.00 for each initial violation and \$200.00 for each subsequent violation per
24 employee per pay period for those violations of the Labor Code for which no civil penalty is
25 specifically provided, pursuant to Labor Code § 2699(f);
- 26 11. Prejudgment interest on all due and unpaid wages and other damages pursuant to
27 Cal. Labor Code §§ 218.6, 1194(a), 1194.2(a); Civil Code § 3287; and Art. XV, § 1 of the
28 California Constitution;

1 12. On all causes of action, for attorneys' fees and costs as provided by Labor Code §§
2 226(e), 1194 *et seq.*, 2699(g), and Code of Civil Procedure § 1021.5; and

3 13. For such other and further relief the Court may deem just and proper.

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5 Date: March 22, 2024

Respectfully submitted,
ABRAMSON LABOR GROUP

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7 By:

Neil Larsen

Neil M. Larsen
Attorney for Plaintiff

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9 **DEMAND FOR JURY TRIAL**

10 Plaintiff hereby demands a jury trial with respect to all issues triable by jury.

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12 Dated: March 22, 2024

Respectfully submitted,
ABRAMSON LABOR GROUP

13
14 By:

Neil Larsen

Neil M. Larsen
Attorney for Plaintiff