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Superior Court of California,
County of Los Angeles
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David W. Slayton,
Executive Officer/Clerk of Court,
By Y. Ayala, Deputy Clerk

Attorney for Plaintiff
Krystal Ramirez

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

KRYSTAL RAMIREZ, individually and on behalf of all aggrieved employees,	) NO. 24STCV08559
	)
Plaintiff,	) COMPLAINT
v.	) 1. Minimum Wage Violations
	) 2. Overtime Violations
	) 3. Meal Period Violations
MGB CULVER CITY, LLC,	) 4. Rest Period Violations
MGB KOREATOWN, LLC	) 5. Wage Statement Penalties
MGB ECHO PARK, LLC	) 6. Waiting Time Penalties
MONTY'S GOOD BURGER, LLC,	) 7. Violation of Unfair Competition Law
and DOES 1 to 100,	) 8. PAGA Penalties
	)
Defendants.	)
	)

PRELIMINARY ALLEGATIONS

1. Plaintiff Krystal Ramirez is a resident of Los Angeles County.
2. Defendant MGB Culver City, LLC is a limited liability company based in Riverside County.
3. Defendant MGB Koreatown, LLC is a limited liability company based in Riverside County.
4. Defendant MGB Echo Park, LLC is a limited liability company based in Riverside County.
5. Defendant Monty's Good Burger, LLC is a limited liability company based in Riverside County.
6. Plaintiff does not know the true names and capacities of Does 1 to 100 and therefore uses fictitious names. Plaintiff will amend the complaint pursuant to Code of Civil Procedure section 474 to allege the true names and capacities when ascertained.

7. The named and Doe defendants are collectively referred to as Defendants.

8. Plaintiffs are informed and believe that each of the Defendants was the agent or employee of the other defendants and acted in the scope of agency or employment.

9. Defendants operate Monty's Good Burger restaurants, which are vegetarian fast food restaurants.

10. Plaintiff worked at the Culver City location which is why venue is proper in Los Angeles.

11. Defendants employed Plaintiff and the aggrieved employees as nonexempt food service workers.

12. Plaintiff and the aggrieved employees were not exempt since they did not customarily and regularly exercise discretion and independent judgment.

13. Throughout Plaintiff's and the aggrieved employees' employment, they did not receive compliant meal and rest periods since they were interrupted and had to remain on premises.

14. Further, Plaintiff and the aggrieved employees were not paid for work performed off the clock; Defendants did not keep accurate track of time worked which led to underpayments.

15. On January 9, 2024 Plaintiff sent a PAGA letter to Defendants and uploaded the letter to the LWDA website. Since it has been more than 65 days, Plaintiff may now request PAGA penalties. Spec Personnel, LLC, and Pace Supply Corp. and uploaded the letter to the LWDA website.

16. Plaintiff plans to amend to include PAGA allegations 65 days after November 25, 2023.

FIRST CAUSE OF ACTION

Minimum Wage Violations

Against All Defendants

16. Plaintiff incorporates by reference paragraphs 1 to 15 of the complaint.

17. Plaintiff was not paid for all hours worked.

18. Therefore Plaintiff is owed payment for unpaid wages and interest.

19. Also, statutory attorney fees apply.

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1 SECOND CAUSE OF ACTION

2 Overtime Violations

3 Against All Defendants

4 20. Plaintiff incorporates by reference paragraphs 1 to 15 of the complaint.

5 21. Plaintiff was required to work over eight hours in a day and/or 40 hours in a week without
6 being compensated for all overtime in violation of Labor Code 510.

7 22. Plaintiff and the class members should have received overtime at the correct regular rate of
8 pay for the overtime work but were not paid overtime at the correct regular rate of pay, since
9 Defendants did not include earned bonuses in the regular rate.

10 23. The remedy for the overtime violations is payment of the unpaid overtime at the correct
11 regular rate of pay, plus interest and attorney fees, pursuant to Labor Code section 1194.

12
13 THIRD CAUSE OF ACTION

14 Meal Period Violations

15 Against All Defendants

16 24. Plaintiff incorporates by reference paragraphs 1 to 15 of the complaint.

17 25. Pursuant to the applicable Wage Order, every employer shall authorize and permit
18 employees to take meal periods of thirty minutes for every five hours worked.

19 26. Pursuant to Labor Code section 226.7(c) and IWC Wage Order 4, when the employer does
20 not provide an employee with the required meal period, the employer shall pay the employee one
21 hour of pay at the employee's regular rate of compensation for each workday that a rest period is
22 not provided.

23 27. Plaintiff was denied meal periods as meal periods were either not provided or were on-duty.

24 28. As a result of Defendants' meal period violations, Plaintiff is entitled to premium pay which
25 is one additional hour of compensation for each missed break at the correct regular rate.

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1 FOURTH CAUSE OF ACTION

2 Rest Period Violations

3 Against All Defendants

4 29. Plaintiff incorporates by reference paragraphs 1 to 15 of the complaint.

5 30. Pursuant to the applicable Wage Order every employer shall authorize and permit
6 employees to take rest periods of ten minutes for every four hours worked.

7 31. Pursuant to Labor Code section 226.7(c) and the applicable Wage Order, when the
8 employer does not provide an employee with the required rest period, the employer shall pay the
9 employee one hour of pay at the employee's regular rate of compensation.

10 32. Plaintiff was denied rest periods as rest periods were not provided or were on-duty.

11 33. As a result, Plaintiff is entitled to premium pay which is one additional hour of
12 compensation for each missed break at the correct regular rate.

13
14 FIFTH CAUSE OF ACTION

15 Wage Statement Penalties

16 Against All Defendants

17 34. Plaintiff incorporates by reference paragraphs 1 to 15 of the complaint.

18 35. Defendants' wage statements violated Labor Code section 226 since they intentionally did
19 not list premium pay for missed breaks at the regular rate and overtime at the correct regular rate.

20 36. As a result, Plaintiff and the class members are entitled to wage statement penalties up to
21 \$4,000 each and attorney fees.

22
23 SIXTH CAUSE OF ACTION

24 Waiting Time Penalties

25 Against All Defendants

26 37. Plaintiff incorporates by reference paragraphs 1 to 15 of the complaint.

27 38. Plaintiff and the class members who no longer work for Defendants were willfully not paid
28 wages that were still owed after she stopped working for Defendants.

1 39. Therefore Plaintiff is owed waiting time penalties under Labor Code section 203, which is
2 30 days of wages.

3
4 SEVENTH CAUSE OF ACTION

5 Violation of Unfair Competition Law

6 Against All Defendants

7 40. Plaintiff incorporates by reference paragraphs 1 to 15 of the complaint.

8 41. The Unfair Competition Law prohibits unfair, unlawful, and fraudulent business practices.

9 42. This claim is being brought under the unlawful prong of the UCL.

10 43. Defendants violated the Labor Code and IWC Wage Order by not paying all wages due,
11 including overtime and premium pay at the correct regular rate.

12 44. Plaintiff and the class members are entitled to restitution for the above.

13 45. Under Code of Civil Procedure section 1021.5, Plaintiff is entitled to attorney fees.

14
15 EIGHTH CAUSE OF ACTION

16 PAGA Penalties

17 Against All Defendants

18 46. Plaintiff incorporates by reference paragraphs 1 to 15 of the complaint.

19 47. Plaintiff may proceed with PAGA allegations on behalf of herself and all aggrieved
20 employees from January 9, 2023 to present.

21 48. The PAGA penalties for the minimum wage violations are in Labor Code 1197.1 and 2699.

22 49. The PAGA penalties for the overtime violations are in Labor Code 558 and 2699.

23 50. The PAGA penalties for the meal break violations are in Labor Code 558 and 2699.

24 51. The PAGA penalties for the rest break violations are in Labor Code 2699.

25 52. The PAGA penalties for the wage statement violations are in Labor Code 226.3 and 2699.

26 53. The PAGA penalties for the waiting time violations are in Labor Code 210 and 2699.

27 54. Further, Plaintiff is entitled to attorney fees and costs under Labor Code section 2699,
28 subdivision (g)(1).

1 PRAYER

2 First Cause of Action

3 1. Payment of all unpaid wages

4 2. Interest

5 3. Attorney fees

6 4. Other relief the court deems proper

7

8 Second Cause of Action

9 1. Payment of overtime

10 2. Interest

11 3. Attorney fees

12 4. Other relief the court deems proper

13

14 Third Cause of Action

15 1. Premium pay at the correct regular rate of pay plus interest

16 2. Other relief the court deems proper

17

18 Fourth Cause of Action

19 1. Premium pay at the correct regular rate of pay plus interest

20 2. Other relief the court deems proper

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22 Fifth Cause of Action

23 1. Wage statement penalties

24 2. Attorney fees and costs

25 3. Other relief the court deems proper

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27 Sixth Cause of Action

28 1. Waiting time penalties

- 1 Seventh Cause of Action
2 1. Restitution of unpaid wages and premium pay
3 2. Attorney fees
4 3. Other relief the court deems proper
5

- 6 Eighth Cause of Action
7 1. All applicable PAGA penalties
8 2. Attorney fees and costs
9 3. Other relief the court deems proper
10

11 Date: April 4, 2024

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Krystal Ramirez