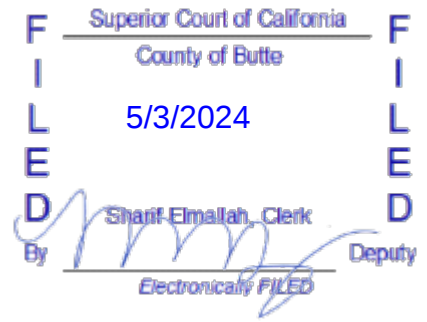




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Attorneys for Plaintiff Mayte Swift,
on behalf of herself and all “aggrieved employees”
pursuant to Labor Code § 2698 *et seq.*

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

MAYTE SWIFT, on behalf of herself and all
“aggrieved employees” pursuant to Labor
Code § 2698 *et seq.*,

Plaintiff,

v.

HOME HEALTH CARE MANAGEMENT,
INC., a California corporation, and DOES 1
through 10, inclusive,

Defendants.

CASE NO: **24CV01441**

**REPRESENTATIVE ACTION COMPLAINT
FOR PENALTIES PURSUANT TO LABOR
CODE § 2699(f) FOR VIOLATIONS OF
LABOR CODE § 2802**

1 Plaintiff MAYTE SWIFT (“Plaintiff”), on behalf of herself and others as an “aggrieved
2 employee” under the Labor Code Private Attorneys General Act of 2004, complains of HOME
3 HEALTH CARE MANAGEMENT, INC., a California corporation, and any subsidiaries or affiliated
4 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 California employees who currently work or formerly worked for Defendants
9 (“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 failing to reimburse Plaintiff and other Aggrieved Employees for necessary
14 business expenses incurred in direct consequence of the discharge of their duties, in violation of Labor
15 Code § 2802, including, but not limited to, cellular phone and home office expenses (internet,
16 computer, printer, etc.) necessary to perform their job duties for Defendant. Labor Code § 2802 states
17 that an employer must indemnify its employees for all necessary expenditures or losses incurred by
18 the employee in direct consequence of the discharge of their duties. These instances violate Labor
19 Code § 2802.

20 3. Plaintiff, on behalf of herself and all Aggrieved Employees pursuant to Labor Code §
21 2698 *et seq.*, seeks civil penalties for Defendants’ violations of the California Labor Code.

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

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III.
PARTIES

A. Plaintiff

5. Plaintiff MAYTE SWIFT has been employed by Defendants since June 2022 as a non-exempt employee in Butte County, California.

B. Defendant

6. Defendant HOME HEALTH CARE MANAGEMENT, INC., is a California corporation that employed Plaintiff and Aggrieved Employees in Butte County, California.

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 Defendants, 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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1 IV.

2 **CAUSES OF ACTION**

3 **FIRST CAUSE OF ACTION**

4 **PLAINTIFF AND ALL AGGRIEVED EMPLOYEES AGAINST ALL DEFENDANTS**
5 **CIVIL PENALTIES PURSUANT TO LABOR CODE § 2699(f) FOR VIOLATIONS OF**
6 **LABOR CODE § 2802**

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

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

11 12. For each such violation, Plaintiff and all other Aggrieved Employees are entitled to
12 civil penalties subject to the following formula: pursuant to Labor Code § 2699(f), \$100 for each
13 initial violation and \$200 for each subsequent violation of Labor Code § 2802.

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

16 14. On February 28, 2024, Plaintiff sent a letter, by online submission to the LWDA and
17 by certified mail, return receipt requested, to Defendants setting forth the facts and theories of the
18 violations alleged against Defendants, as prescribed by Labor Code § 2698 *et seq.* Pursuant to Labor
19 Code § 2699.3(a)(2)(A), no notice was received by Plaintiff from the LWDA within sixty-five (65)
20 calendar days of February 28, 2024. Plaintiff may therefore commence this action to seek civil
21 penalties pursuant to Labor Code § 2698 *et seq.*

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

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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: May 3, 2024

Respectfully submitted,

GAINES LAW CORPORATION

By: 

EVAN S. GAINES
Attorneys for Plaintiff