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Attorneys for Plaintiff and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE

WILLIAM NEESSEN, as an individual and on
behalf of all others similarly situated, and as a
private attorney general,

Plaintiff,

vs.

GOODLEAP, LLC, a California limited liability
company; and DOES 1 through 50, inclusive,

Defendants.

Case No. 30-2024-01377271-CU-OE-CXC

**FIRST AMENDED CLASS AND
REPRESENTATIVE ACTION COMPLAINT**

- (1) Inaccurate Itemized Wage Statements
(Lab. Code § 226(a)); and**
**(2) Violations of the California Labor Code
(Lab. Code §§ 2698 et seq.)**

DEMAND OVER \$25,000.00

1 On behalf of himself and other similarly situated current and former employees of Defendants,
2 Plaintiff, William Neessen, submits this First Amended Class and Representative Action Complaint (the
3 “Complaint”) against Defendant, GoodLeap, LLC, and Does 1 through 50 (collectively, “Defendants”).

4 INTRODUCTION

5 1. This class and representative action challenges systemic employment practices resulting
6 in violations of the California Labor Code against individuals who worked for Defendants. The
7 Complaint seeks damages, penalties, and other relief pursuant to, among other provisions, Labor Code
8 section 226(a), 226.3, and 2698 et seq.¹

9 2. Plaintiff is informed and believes that Defendants have jointly and severally acted
10 intentionally and with deliberate indifference and conscious disregard to the rights of employees by
11 failing to provide complete and accurate itemized wage statements. Specifically, whenever OT-ADJ
12 wages are paid to Plaintiff and other non-exempt employees, Defendants issue wage statements that fail
13 to accurately itemize total hours worked. Moreover, when the hours shown on the wage statements are
14 added up, the sum also does not equal the total hours worked. Defendants thus violate Section 226(a)
15 and owe applicable penalties to Plaintiff and other employees.

16 3. Plaintiff is informed and believes that Defendants have engaged in, among other things, a
17 system of willful violations of the Labor Code by creating and maintaining policies, practices, and
18 customs that knowingly deny its employees the above stated rights and benefits.

19 JURISDICTION AND VENUE

20 4. The Complaint seeks relief exceeding \$25,000.00. The Court has jurisdiction of
21 Defendants’ violations of Section 226(a).

22 5. Venue is proper in the County of Orange. Plaintiff worked for Defendants in Irvine,
23 California.

24 PARTIES

25 6. In June of 2023, Plaintiff began working for Defendants as a senior mortgage banker in
26 California. Until his employment ended in January of 2024, Plaintiff was paid on an hourly basis as a
27 non-exempt employee. Whenever OT-ADJ wages were paid to Plaintiff, Defendants consistently issued
28

¹ Except as otherwise noted, all “Section” references are to the Labor Code.

1 Plaintiff wage statements that fail to itemize the accurate total hours worked. Moreover, when the hours
2 shown on the wage statements are added up, the sum also does not equal the total hours worked.
3 Plaintiff thus is a victim of the policies, practices, and customs of Defendants complained of in this
4 action in ways that have deprived him of the rights guaranteed by the Labor Code.

5 7. Plaintiff is informed and believes that GoodLeap, LLC. was and is a California limited
6 liability company. Plaintiff is informed and believes that at all times herein mentioned named
7 defendants and Does 1 through 50, were and are corporations, business entities, individuals, or
8 partnerships that are and were licensed to do business and actually doing business in the State of
9 California. Based upon all the facts and circumstances incident to Defendants' business, Defendants are
10 subject to Sections 226(a).

11 8. Plaintiff does not know the true names or capacities of the defendants sued herein as
12 Does 1 through 50, whether individual, partner, or corporate, and for that reason, said defendants are
13 sued under such fictitious names. Plaintiff prays for leave to amend this Complaint when the true names
14 and capacities are known. Plaintiff is informed and believes that each of said fictitious defendants was
15 responsible in some way for the matters alleged herein and proximately caused the illegal employment
16 practices, wrongs, and injuries complained of herein.

17 9. At all times mentioned herein, each of said Defendants participated in the doing of the
18 acts alleged herein. Defendants, and each of them, were the agents, servants, or employees of each of
19 the other Defendants, as well as the agents of all Defendants, and were acting within the course and
20 scope of said agency and employment.

21 10. Plaintiff is informed and believes that at all times material hereto, each of said
22 Defendants was the agent, employee, alter ego, or joint venturer of, or was working in concert with,
23 each of the other Defendants and was acting within the course and scope of such agency, employment,
24 joint venture, or concerted activity. To the extent said acts, conduct, or omissions were perpetrated by
25 certain Defendants, each of the remaining Defendants confirmed and ratified said acts, conduct, or
26 omissions of the acting Defendants.

27 11. Plaintiff is informed and believes that at all times material hereto each of the Defendants
28 (i) aided and abetted the acts and omissions of each of the other Defendants in proximately causing the

1 alleged harms, or (ii) were members of, engaged in, and acting within the course and scope of, and in
2 pursuance of, a joint venture, partnership, or common enterprise.

3 CLASS ACTION ALLEGATIONS

4 12. **Definition:** Pursuant to Code of Civil Procedure section 382, Plaintiff seeks class
5 certification of all current and former non-exempt employees of Defendants in the State of California
6 who were paid OT-ADJ wages at any time since February 1, 2023 (the “Class”).

7 13. **Numerosity and Ascertainability:** The members of the Class are so numerous that
8 joinder of all members would be impractical, if not impossible. The identities of the members of the
9 Class are readily ascertainable by review of Defendants’ records, including payroll records. Plaintiff is
10 informed and believes that Defendants violated Section 226(a) against Plaintiff and the Class by failing
11 to provide complete and accurate itemized wage statements that show the actual total hours worked.

12 14. **Adequacy of Representation:** Plaintiff is fully prepared to take all necessary steps to
13 represent fairly and adequately the interests of the Class defined above. Plaintiff’s attorneys are ready,
14 willing, and fully and adequately able to represent Plaintiff and the Class. Plaintiff’s attorneys have
15 prosecuted and settled wage-and-hour class actions in the past and continue to litigate numerous wage-
16 and-hour class actions currently pending in California state and federal courts.

17 15. **Common Question of Law and Fact:** There are predominant common questions of law
18 and fact and a community of interest amongst the claims of Plaintiff and of the Class. Plaintiff is
19 informed and believes that Defendants uniformly administer a corporate policy and practice of routinely
20 failing to provide complete and accurate itemized wage statements that show the actual total hours
21 worked whenever non-exempt employees in California are paid OT-ADJ wages.

22 16. **Typicality:** The claims of Plaintiff are typical of the claims of all members of the Class
23 in that Plaintiff suffered the alleged harms in a similar and typical manner as other members of the Class
24 suffered. As with other members of the Class, Plaintiff was paid on an hourly basis. Whenever OT-ADJ
25 wages were paid during his employment, Defendants consistently issued Plaintiff wage statements that
26 neither itemized the accurate total hours worked nor showed hours that, when added up, equal the actual
27 total hours worked. Plaintiff thus is a member of the Class and has suffered the alleged violations of the
28 Labor Code.

1 17. The Labor Code is broadly remedial in nature. Its laws serve an important public interest
2 in establishing minimum working conditions and requirements in California. These labor standards
3 protect employees from onerous terms and conditions of employment or exploitation by employers who
4 have superior economic and bargaining power.

5 18. The nature of this action and the format of laws available to Plaintiff and members of the
6 Class make the class action format a particularly efficient and appropriate procedure to redress the
7 wrongs alleged herein. If each employee were required to file an individual lawsuit, the corporate
8 Defendants would necessarily gain an unconscionable advantage since they would be able to exploit and
9 overwhelm the limited resources of each individual plaintiff with their vastly superior financial and
10 legal resources. Requiring each member of the Class to pursue an individual remedy would also
11 discourage the assertion of lawful claims by employees who would be disinclined to file an action
12 against their former or current employer for real and justifiable fear of retaliation and permanent
13 damage to their careers at their current or subsequent employment.

14 19. The prosecution of separate actions by individual members of the Class, even if possible,
15 would create a substantial risk of (a) inconsistent or varying adjudications with respect to individual
16 members of the Class that would establish potentially incompatible standards of conduct for
17 Defendants, or (b) adjudications with respect to individual members of the Class that would, as a
18 practical matter, be dispositive of, or substantially impair or impede the ability to protect, the interests
19 of other members of the Class not parties to the adjudications. Further, the claims of the individual
20 members of the Class are not sufficiently large to warrant vigorous individual prosecution considering
21 the concomitant costs and expenses.

22 20. Defendants' pattern, practice, and uniform administration of corporate policy in violation
23 of the Labor Code is unlawful. Proof of a common business practice or factual pattern will establish the
24 rights of Plaintiff and the Class under Section 226, the applicable IWC Wage Order, and Code of Civil
25 Procedure section 1021.5 to recover applicable penalties, reasonable attorneys' fees, and costs of suit.
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1 **FIRST CAUSE OF ACTION**

2 **Inaccurate Itemized Wage Statements (Lab. Code § 226(a))**

3 **(By Plaintiff and the Class Against All Defendants)**

4 21. The preceding paragraphs are re-alleged and incorporated by this reference.

5 22. Section 226(a) requires an employer to furnish to its employees itemized wage
6 statements that show accurate information, including without limitation, the total hours worked.
7 Whenever Defendants pay OT-ADJ wages to Plaintiff and the Class, Defendants fail to provide
8 complete and accurate itemized wage statements, in violation of Section 226(a).

9 23. As a matter of policy and practice, Defendants routinely fail to provide complete and
10 accurate itemized wage statements to Plaintiff and the Class. Specifically, whenever OT-ADJ wages are
11 paid, Defendants issue wage statements to Plaintiff and the Class that fail to itemize the accurate total
12 hours worked and show hours that, when added up, do not equal the actual total hours worked.
13 Defendants thus violate Section 226(a) and owe applicable penalties to Plaintiff and the Class.

14 24. Such a pattern, practice, and uniform administration of corporate policy is unlawful and
15 entitles Plaintiff and the Class to recover applicable penalties, attorneys' fees, and costs of suit.

16 **SECOND CAUSE OF ACTION**

17 **Violations of California Labor Code (Lab. Code §§ 2698 et seq.)**

18 **(By Plaintiff as a Proxy for the State Against All Defendants)**

19 25. The preceding paragraphs are re-alleged and incorporated by this reference.

20 26. Pursuant to the Labor Code Private Attorneys General Act of 2004, Labor Code §§ 2698
21 et seq. ("PAGA"), Plaintiff brings this cause of action as a proxy for the State of California. In this
22 capacity, Plaintiff seeks penalties for Defendants' violations of Section 226(a) committed since
23 February 1, 2023, against all aggrieved employees. As stated herein, Defendants fail to provide
24 complete and accurate itemized wage statements. Under Section 2699(c), Plaintiff is an "aggrieved
25 employee," as one or more of the alleged violations was committed against Plaintiff as an employee of
26 Defendants.

27 27. On or about February 1, 2024, Plaintiff sent written notice to the Labor & Workforce
28 Development Agency ("LWDA") of specific facts and theories for Defendants' above violations.

1 Plaintiff simultaneously sent written notice to Defendants via certified mail. As of the date of the filing
2 of this Complaint, the LWDA has neither responded nor indicated that it intends to investigate the
3 allegations in the written notice.

4 28. As such, pursuant to Section 2699(a), (f), and (g), Plaintiff seeks recovery of all
5 applicable penalties pursuant to Section 2699(a), (f), and (g) for Defendants' violations against all
6 aggrieved employees for the period described above.

7 **PRAYER FOR RELIEF**

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

- 10 1. For an order certifying the proposed Classes;
11 2. For an order appointing Plaintiff as the representative of the Classes;
12 3. For an order appointing Counsel for Plaintiff as Class Counsel;
13 4. Upon the First Cause of Action for penalties and attorneys' fees and costs;
14 5. Upon the Second Cause of Action for penalties and attorneys' fees and costs;
15 6. Upon each cause of action for attorneys' fees and costs as provided by the Labor Code
16 and Code of Civil Procedure section 1021.5; and
17 7. For such other and further relief that the Court may deem just and proper.

18 DATED: April 23, 2024

DIVERSITY LAW GROUP, P.C.

19 By: 
20 _____

Larry W. Lee
Simon L. Yang

21 Attorneys for Plaintiff
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PROOF OF SERVICE

(Code of Civil Procedure Sections 1013a, 2015.5)

STATE OF CALIFORNIA]
]ss.
COUNTY OF LOS ANGELES]

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 515 S. Figueroa Street, Suite 1250, Los Angeles, California 90071.

On April 23, 2024, I served the following document(s) described as: **FIRST AMENDED CLASS AND REPRESENTATIVE ACTION COMPLAINT** on the interested parties in this action as follows:

Goodleap, LLC c/o C T Corporation System 330 North Brand Boulevard, Suite 700 Glendale, California 91203	<i>Agent for Service of Process</i>
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 X BY MAIL: by placing _____ the original or X a true and correct copy thereof enclosed, in (a) sealed envelope(s) addressed to the party(ies) listed above or on the attached mailing list. I am readily familiar with the firm's practice for collection and processing of correspondence and other materials for mailing with the United States Postal Service. On this date, I sealed the envelope(s) containing the above materials and placed the envelope(s) for collection and mailing on this date at the address above following our office's ordinary business practices. The envelope(s) will be deposited with the United States Postal Service on this date, in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on April 23, 2024, at Los Angeles, California.



Erika Mejia